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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X
EDWARD CARTER, FRANK FIORILLO, KEVIN LAMM,
JOSEPH NOFI and THOMAS SNYDER,
Plaintiffs,
-against-
INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR
JOSEPH . LOEFFLER, JR., individually and in
his official capacity; former mayor NATALIE
K. ROGERS, individually and in her official
capacity; OCEAN BEACH POLICE DEPARTMENT;
ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE,
individually and in his official capacity;
SUFFOLK COUNTY; SUFFOLK COUNTY POLICE
DEPARTMENT; SUFFOLK COUNTY DEPARTMENT OF
CIVIL SERVICE, and ALISON SANCHEZ,
individually and in her official capacity,
Defendants.
-----X

926 Rexcorp Plaza
Uniondale, New York

September 9, 2008
10:32 A.M.

DEPOSITION of JOSEPH NOFI, taken
pursuant to the Federal Rules of Civil
Procedure and Notice, held at the
above-mentioned time and place before Arlene
Sarica and Patricia Wor, Notaries Public of
the State of New York.



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A P P E A R A N C E S:

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1

A P P E A R A N C E S: (CONTINUED)

2

SUFFOLK COUNTY DEPARTMENT OF LAW

3

Attorneys for Defendants

Suffolk County, Suffolk County

4

Police Department, Suffolk County

Department of Civil Service, and

5

Alison Sanchez

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6

100 Veterans Memorial Highway

Hauppauge, New York 11788

7

BY: ARLENE S. ZWILLING, ESQ.

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IT IS HEREBY STIPULATED AND
AGREED by and among counsel for the
respective parties hereto, that the filing,
sealing and certification of the within
deposition shall be and the same are hereby
waived;

IT IS FURTHER STIPULATED AND
AGREED that all objections, except to the
form of the question, shall be reserved to
the time of the trial;

IT IS FURTHER STIPULATED AND
AGREED that the within deposition may be
signed before any Notary Public with the
same force and effect as if signed and sworn
to by the Court.

IT IS FURTHER STIPULATED AND
AGREED that counsel for the witness examined
herein shall be furnished with a copy of the
within deposition without charge.

1

2

(Complaint was premarked as

3

Defendant's Exhibit-1 for

4

identification; 9-9-08, A.S.)

5

THE VIDEOGRAPHER: This is tape

6

number one of the videotaped deposition

7

of Joseph Nofi, in the matter of Edward

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Carter, et al, the plaintiffs, versus

9

Incorporated Village of Ocean Beach, et

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al, defendants, in the United States

11

District Court, Eastern District of New

12

York, on September 9, 2008 at

13

approximately 10:31 a.m.

14

My name is Albert Santana from

15

the firm of Precise Court Reporting.

16

I'm the legal video specialist. The

17

court reporter is Arlene Sarica in

18

association with Precise Court

19

Reporting.

20

For the record, would counsel

21

please introduce themselves.

22

MR. NOVIKOFF: For all of the

23

defendants except defendant Hesse and

24

the Suffolk County defendants, Ken

25

Novikoff and Michael Welsch from the

Precise Court Reporting

(516) 747-9393 (718) 343-7227 (212) 581-2570

1 J. Nofi

2 law firm of Rivkin, Radler and Ken Gray
3 of --

4 MR. GRAY: Bee, Ready, Fishbein,
5 Hatter and Donovan, village attorney of
6 Ocean Beach.

7 MR. CONNOLLY: Kevin Connolly of
8 Marks, O'Neill, O'Brien and Courtney
9 for the defendant Hesse.

10 MS. ZWILLING: Assistant Town
11 Attorney Arlene Zwilling, for Suffolk
12 County Attorney Christine Malafi, for
13 the defendants Alison Sanchez, Suffolk
14 County, Suffolk County Police
15 Department and Suffolk County
16 Department of Civil Service.

17 MR. GOODSTADT: Andrew Goodstadt
18 along with Ari Graff from Thompson,
19 Wigdor and Gilly representing the
20 plaintiffs.

21 THE VIDEOGRAPHER: Now, would
22 the court reporter please swear in the
23 witness.

24 J O S E P H N O F I, having first been
25 duly sworn by a Notary Public of the State

1 J. Nofi

2 of New York, was examined and testified as
3 follows:

4 EXAMINATION BY

5 MR. NOVIKOFF:

6 Q. Good morning, Mr. Nofi, my name
7 is Ken Novikoff.

8 A. It's Nofi.

9 Q. Nofi, sorry.

10 I'm going to be asking you a
11 series of questions today. To the extent
12 you don't understand my questions, please
13 feel free and advise me and I will try to
14 rephrase them in such a way that you can
15 better understand them.

16 You are obviously free at any
17 point in time of this deposition, and as
18 many times as you want, to consult with your
19 counsel. The only thing I would ask you is
20 not to consult with your counsel while
21 there's a question pending. Just answer the
22 question. Obviously if your lawyer
23 instructs you not to answer, then we will
24 deal with that situation, if it may occur.

25 Do you recall having your

1 J. Nofi

2 deposition taken prior to today concerning
3 any issues that were raised in the lawsuit
4 filed by you against my client?

5 A. I think there was a deposition
6 taken like a long time ago with that office.

7 Q. Okay, is that the only time you
8 recall being deposed prior to today
9 concerning any issues in your lawsuit that
10 you brought against the village?

11 A. You mean talking to a lawyer like
12 this?

13 Q. Yes, with a court reporter under
14 oath?

15 A. Yes.

16 Q. And you were under oath at that
17 time?

18 A. Yes, sir. I wasn't sure what it
19 was about actually, the whole thing but,
20 yes.

21 Q. If I said it was a 50h
22 deposition, would that refresh your
23 recollection as to what it was about?

24 A. I think that's what it was, yes.

25 Q. And, again, I think I may have

1 J. Nofi

2 asked you this, you testified under oath at
3 that time?

4 A. Yes.

5 Q. And everything you answered
6 during that deposition was true and
7 accurate, to the best of your recollection?

8 A. To the best of my recollection,
9 from understanding the questions I was
10 asked.

11 Q. And do you recall filing a
12 lawsuit in the case that brings you here
13 today for your deposition?

14 A. Yes.

15 Q. Do you recall reviewing the
16 complaint prior to it being filed with the
17 court?

18 A. I don't understand the question.

19 Q. Okay, I'm going to show you
20 what's been premarked as Defendant's 1, and
21 I represent to you as an officer of the
22 court that this is a true and accurate copy
23 of the complaint that was filed in this
24 matter on your behalf by your attorneys
25 against, among others, the Village of Ocean

1 J. Nofi

2 Beach.

3 A. Okay, yes.

4 Q. Do you recall seeing this
5 complaint prior to today?

6 A. It looks like I have, yeah. I'm
7 not 100 percent sure. It looks like the
8 same thing.

9 Q. Well, would you need to review
10 the document?

11 A. Yes, can I look at them?

12 Q. Yes, please do.

13 A. This looks like the same thing.
14 I did see this, yes.

15 Q. Well, just so the record is
16 clear, is this, to the best of your
17 recollection, is this a true and accurate
18 copy of the complaint that you authorized
19 your attorney to file on your behalf?

20 A. Yes, it looks like it, yes.

21 Q. Okay, and was your attorney that
22 you authorized Mr. Goodstadt who's sitting
23 here today?

24 A. Yes.

25 Q. Prior to the filing of this

1 J. Nofi

2 complaint --

3 MR. NOVIKOFF: Withdrawn.

4 Q. When did you retain Mr. Goodstadt
5 to be your attorney, and I don't want to
6 know any conversations that you had with
7 him, all I want to know is when did you
8 retain Mr. Goodstadt to represent you?

9 MR. GOODSTADT: I just want to
10 instruct you that, as Mr. Novikoff
11 said, don't disclose anything that was
12 stated between myself or my firm and
13 yourself, just tell him the time
14 period, that's all he's looking for.

15 A. After we got -- after I got let go
16 for budget cuts.

17 Q. I understand that. Now let's --
18 you say you were let go, we have a different
19 characterization. Let's just use April 2nd
20 as the date in which Mr. Hesse made certain
21 comments to you concerning your employment
22 at Ocean Beach.

23 Can you agree with me that April
24 2nd is the date that Mr. Hesse told you that
25 you were not going to work for Ocean Beach

1 J. Nofi

2 anymore, is that correct?

3 A. That's not what he told me
4 though.

5 Q. Let's use April 2nd then as the
6 date.

7 In relation to April 2, 2006,
8 when did you retain Mr. Goodstadt?

9 A. Shortly after, I believe. I
10 don't know, I'm not 100 percent sure, I
11 don't remember.

12 Q. When you say "shortly after," you
13 are talking days, weeks, months?

14 A. I'm not sure. Maybe a couple of
15 months maybe. I'm not sure, I don't
16 remember.

17 Q. Okay, but it's within a two-month
18 time period?

19 A. I'm not sure. I really can't
20 answer, I don't remember.

21 Q. Do you have any documents in your
22 possession, custody or control that would
23 refresh your recollection as to when you
24 retained Mr. Goodstadt?

25 A. Not on me, no.

1 J. Nofi

2 Q. No, when I say that I mean in
3 your house, in any folder?

4 A. I don't know.

5 Q. Did you execute a retainer
6 agreement with Mr. Goodstadt or his office?

7 A. I guess, I'm not really sure what
8 a retainer is.

9 Q. Well, did Mr. Goodstadt send you
10 a letter saying you hereby authorize me and
11 my office to represent you in this lawsuit?

12 A. Yes.

13 Q. Okay, and did you retain a copy
14 of that?

15 A. I might have it. I would have to
16 look for it. I'm not 100 percent sure.

17 RQ MR. NOVIKOFF: I call for
18 production of that letter, only to the
19 extent that it shows the date, it shows
20 his signature, if it's set forth on
21 that document, and it shows that it
22 went to you and your office. I don't
23 need to see anything in between that,
24 or we can stipulate to the date you
25 were retained. You can take it under

1 J. Nofi

2 advisement.

3 MR. GOODSTADT: I will take that

4 under advisement.

5 MR. NOVIKOFF: That's all I'm

6 calling for.

7 MR. GOODSTADT: Usually my

8 practice is to follow up with a written

9 request.

10 MR. NOVIKOFF: That's fine,

11 how ever you want to do it.

12 MR. GOODSTADT: We'll do it that

13 way.

14 MR. NOVIKOFF: Or better still,

15 in addition to that, let's leave a

16 space in the transcript and please

17 review that document and tell me when

18 you retained Mr. Goodstadt.

19 INSERT:

20 A. You want me to look, if I have

21 the paper at home?

22 Q. Yes, and if you find the paper at

23 home, we are leaving a space in the

24 transcript, and you just fill in the

25 transcript when you receive it as to the

1 J. Nofi

2 date in which you retained Mr. Goodstadt.

3 MR. GOODSTADT: Just mark the

4 record my objection to that request.

5 Q. Let's look at Defendant's Exhibit

6 1 again. When you reviewed this, did you

7 review it for accuracy?

8 A. Yes.

9 Q. And it was important that

10 everything that was set forth in there at

11 least to your knowledge was true, correct?

12 A. Yes.

13 Q. You knew this was going to be

14 filed in federal court, correct?

15 A. Yes.

16 Q. And you knew that the allegations

17 that were set forth in here were going to be

18 the basis of your lawsuit against the

19 village and other defendants?

20 A. Yes, to the best of my knowledge,

21 yes.

22 Q. And would you agree with me, to

23 the extent that you saw something in an

24 allegation as it pertained to you, that was

25 not accurate, you would have notified your

1 J. Nofi

2 attorney and told him as such?

3 MR. GOODSTADT: Objection. You

4 can answer.

5 A. I didn't get the question.

6 Q. Fine, sir. Would you agree with
7 me that, to the extent in your review of the
8 complaint prior to it being filed, if you
9 saw something that was inaccurate, you would
10 have notified your attorney that something
11 in the complaint was inaccurate to your
12 knowledge?

13 A. I guess if I didn't notice or
14 understand something I would call him, yes.

15 Q. Now, I appreciate that answer but
16 that really wasn't my question.

17 We have established, Mr. Nofi,
18 that this was an important document and you
19 reviewed it for accuracy, correct?

20 A. Right.

21 Q. Would you agree with me that if
22 you saw something in the complaint that you
23 knew was inaccurate, prior to it being
24 filed, you would have notified Mr.
25 Goodstadt?

1 J. Nofi

2 A. Okay, now I got you. So you are
3 saying, if I seen something in here and I
4 didn't think it was accurate I would have
5 notified him afterwards?

6 Q. You would have notified him?

7 A. I would have notified him
8 afterwards is what you are saying?

9 Q. No, that's not my question.
10 You reviewed the complaint prior
11 to it being filed in court, correct?

12 A. Right.

13 Q. And you reviewed the complaint
14 for accuracy, correct?

15 A. Right.

16 Q. Would you agree with me that had
17 you seen an allegation in the complaint that
18 you knew not to be accurate, you would have
19 notified your attorney prior to it being
20 filed, that there was an inaccuracy?

21 A. I believe I would have, yes.

22 Q. To your recollection, again
23 without telling me the sum and substance of
24 your conversation with counsel, do you
25 recall ever advising your counsel there was

1 J. Nofi

2 something in the complaint that was
3 inaccurate?

4 DI MR. GOODSTADT: Objection, I'm
5 going to instruct him not to answer the
6 question.

7 RL MR. NOVIKOFF: Okay, let's mark
8 that for a ruling. I don't think
9 that's protected but I'm not going to
10 fight with you for ten minutes on that.

11 Q. Let's turn to page 25. I'm going
12 to refer your attention to paragraph 112.
13 Do you see that?

14 A. Yes.

15 Q. It's the bottom paragraph and it
16 goes into page 26.

17 A. It goes from 112 to page 26?

18 Q. It goes from 25 to 26, paragraph
19 112. I'm just going to read it into the
20 record, the first two sentences. Hesse's
21 concerted and unlawful retaliatory efforts
22 did not end in the State of New York.
23 Specifically, Officer Nofi was denied a law
24 enforcement job in Florida as deputy sheriff
25 for Collier County due to malicious and

1 J. Nofi

2 false references from Hesse.

3 Do you see that?

4 A. Yes.

5 Q. Okay, when did you first apply
6 for the job in Collier County?

7 A. I think a couple of months
8 afterwards.

9 Q. After April 2nd?

10 A. Yes.

11 Q. Okay, are you certain as you sit
12 here today that it was a couple of months
13 afterwards?

14 A. I'm not 100 percent sure but I
15 believe it was, not too long after.

16 Q. And did there come a point in
17 time that Collier County said that they were
18 not going to hire you?

19 A. I got a phone call from my
20 investigator stating that he talked to
21 George Hesse and that George Hesse said some
22 things about me and the chief of police
23 Edward Paradiso I called and he stated to me
24 on the phone that he talked to my
25 investigator and he told me that George

1 J. Nofi

2 Hesse said really bad things about me to the
3 investigator. That's what I was told, and
4 also the statement that I have back from
5 them shows that he said stuff about me in
6 the paperwork. I don't know if you have it
7 or not.

8 MO MR. NOVIKOFF: Motion to strike
9 as not responsive.

10 Q. My question simply, sir, is did
11 there come a time that Collier County
12 advised you that they were not going to hire
13 you, yes or no?

14 A. Did they call me and tell me they
15 weren't going to hire me?

16 Q. Whether they called you, wrote
17 you, threw a rock through your window.

18 A. I believe it was by phone.

19 Q. My question is, sir, did there
20 come a time, yes or no, that Collier County
21 advised you that they were not going to hire
22 you?

23 A. Yes.

24 Q. And when was that in relation to
25 April 2, 2006?

1 J. Nofi

2 A. How many months after April 2nd?

3 Q. Yes.

4 A. I don't remember, it's so long
5 ago.

6 Q. Was it in 2006?

7 A. Probably 2006 or 2007 it could
8 have been.

9 Q. Now, you just stated in response
10 to a question that you may not remember
11 because it was so long ago.

12 Is it your testimony that your
13 recollection may not be accurate pertaining
14 to events two, three or four years ago
15 because it was so long ago?

16 MR. GOODSTADT: Objection.

17 A. No.

18 Q. But in this instance you're not
19 sure because it was so long ago?

20 MR. GOODSTADT: Objection. You
21 asked him about a specific date, he
22 didn't recall, not an event.

23 Q. Okay, did Collier County ever
24 advise you they could not hire you because
25 of a medical condition?

1 J. Nofi

2 A. No. I took a stress test, and
3 then I went back for the dye test and I
4 passed it.

5 MO MR. NOVIKOFF: Sir, motion to
6 strike as not responsive.

7 Q. Did Collier County ever advise
8 you in writing that they were not going to
9 hire you due to a medical condition?

10 A. I don't believe I seen that, no,
11 I'm not sure. I think it was by phone, I'm
12 not sure.

13 Q. After you were advised by Collier
14 County that they were not going to hire you,
15 did you ask for them to review their
16 decision?

17 A. No, I just -- the investigator
18 called me and he said --

19 Q. My question to you is just yes or
20 no, sir.

21 A. Give me the question again.

22 Q. Fine.

23 After you were advised by Collier
24 County that you were not going to be hired
25 as a deputy sheriff, did you seek to appeal

1 J. Nofi

2 or ask Collier County to review their
3 decision?

4 A. I don't think it came down to
5 review, I just asked them why and they told
6 me why. That's what they said.

7 MR. GOODSTADT: Just focus on
8 the question he's asking.

9 Q. To your knowledge did your lawyer
10 Mr. Goodstadt send a letter to Collier
11 County asking them to explain certain
12 reasons behind not hiring you?

13 A. No. I asked him to send me the
14 records myself.

15 Q. My question to you, sir, are you
16 aware as to whether or not Mr. Goodstadt
17 sent a letter to Collier County asking them
18 to explain the basis for certain reasons for
19 them not hiring you?

20 A. I might have asked him.

21 Q. But you're not sure?

22 A. I think, I'm pretty sure, I did
23 ask him, yeah, if I remember right.

24 Q. So, now, let's go to the second
25 sentence that I read in paragraph 112.

1 J. Nofi

2 You refer to malicious and false
3 references from Hesse, do you see that?

4 A. Where is that?

5 Q. Paragraph 112, second sentence,
6 you make reference --

7 A. I don't have no malicious. 112,
8 page 25?

9 Q. Turn to the next page, sir.

10 A. You said 25.

11 Q. You see on the top line it says
12 due to malicious and false references from
13 Hesse?

14 A. Yes.

15 Q. Now, you said you received that
16 at some point in time documentation from
17 Collier County that referred to Mr. Hesse.
18 Do you recall that?

19 A. Yes.

20 Q. When did you receive that
21 documentation?

22 A. After the phone call I called
23 back Collier County and asked them to send
24 me the records.

25 Q. And did they send you the

1 J. Nofi

2 records?

3 A. Yes, they did.

4 Q. When did they send the records to
5 you?

6 A. A couple of days later, came in
7 the mail.

8 Q. What year are we talking about?

9 A. 2006.

10 Q. So it would have been prior to
11 you filing this lawsuit, is that correct?

12 A. After the filing of the lawsuit?

13 Q. Did you receive the documents
14 from Collier County prior to the filing of
15 the lawsuit?

16 A. After the lawsuit you mean,
17 correct?

18 Q. No, my question to you, sir, is
19 did you receive the documentation from
20 Collier County prior to filing this lawsuit?

21 A. Is that before or after is what
22 I'm asking you, before the lawsuit?

23 Q. Okay, I'll rephrase the question.

24 A. Okay.

25 Q. Sir, did you receive the

1 J. Nofi

2 documents from Collier County before or
3 after --

4 A. After.

5 Q. -- filing this lawsuit?

6 A. After.

7 Q. How long after?

8 A. 2006, I'm not sure of what date.

9 Q. Do you know when you filed this
10 lawsuit?

11 A. Yes.

12 Q. When did you file this lawsuit?

13 A. I think like just right after we
14 got let go.

15 Q. So you filed this lawsuit March
16 21, 2007, that's almost a year after you got
17 let go.

18 A. Okay.

19 Q. You just testified, at least to
20 your recollection, you received the
21 documents in 2006. So, I'm going to ask you
22 the question so maybe we can clarify the
23 record.

24 When did you receive the
25 documents from Collier County that you

1 J. Nofi

2 requested, was it before or after you filed
3 this lawsuit on March 21, 2007?

4 A. I don't remember.

5 Q. You don't remember now?

6 A. I don't recall. I thought it was
7 after, it was before, I really don't know. I
8 would have to look at the paperwork to tell
9 you.

10 Q. Do you still have those documents
11 in your possession?

12 A. I might have them, yes.

13 Q. Would there have been any reason
14 that you would have thrown them out?

15 A. No.

16 Q. So, any reason that you think
17 that they would be lost?

18 A. Yes.

19 Q. Why?

20 A. Because my daughter moved back
21 with her husband, because he came back from
22 Florida to New York, and we started moving
23 rooms all around. He took up the upstairs
24 and all the stuff from upstairs we put in
25 the basement in boxes so I would have to

1 J. Nofi

2 look for it.

3 Q. But the Collier County documents
4 are pretty important?

5 A. Yes, they are.

6 Q. So you would agree --

7 A. I would have to look.

8 Q. You would agree with me those are
9 documents that you would be concerned about
10 keeping in tact and not losing them,
11 correct?

12 A. Yes.

13 Q. Okay, do you recall producing
14 documents to your attorney that were
15 requested by the various defendants in this
16 case pertaining to the issues in this
17 lawsuit?

18 A. Yes.

19 Q. Do you recall producing those
20 Collier County documents to your attorney?

21 A. Yes, I think he has copies.

22 Q. Okay, from you?

23 A. From me, yes.

24 Q. Now, did you ever see a document
25 that referenced George Hesse making a

1 J. Nofi

2 malicious or false reference about you from
3 Collier County?

4 A. Yes, I seen a copy.

5 Q. My question is yes or no.

6 A. Yes.

7 Q. Did you ever see a document from
8 Collier County referring to a false or
9 malicious reference from Mr. Hesse?

10 A. Let me rephrase that, let me ask
11 you a question.

12 Q. No, sir, I ask the questions. If
13 you don't understand my questions, then tell
14 me and I'll be happy to rephrase it.

15 A. Now, malicious, do you mean by
16 malicious, does that mean in the boxes where
17 he asked for references and he just crosses
18 out, is that malicious?

19 Q. I don't know. You wrote the word
20 malicious in the complaint, what do you mean
21 by the word malicious as you use it in
22 paragraph 112, sir?

23 MR. GOODSTADT: Objection.

24 Q. What is your understanding of the
25 word malicious as it's used in paragraph

1 J. Nofi

2 112?

3 A. When someone says something about
4 you and writes something about you and
5 doesn't fill in the boxes and writes in
6 that's he's suing us for whatever. I think
7 that's malicious.

8 Q. Okay, what boxes are you
9 referring to?

10 A. In the investigation, when I got
11 investigated, there's boxes for references
12 where they ask you, you know, was he a good
13 police officer, was he a good worker, so on
14 and so on. He just crossed out everything
15 and didn't answer anything and then wrote on
16 the bottom.

17 Q. What did he write on the bottom,
18 sir?

19 A. This officer is suing the Village
20 of Ocean Beach and myself, George Hesse.

21 Q. Isn't it true, sir, that Mr.
22 Hesse wrote on that document that you're
23 referring to that he can't answer any
24 questions concerning you because there was a
25 lawsuit?

1 J. Nofi

2 A. Yes, after he wrote the other
3 stuff first on the bottom.

4 Q. What stuff?

5 A. What I just told you.

6 Q. That you're suing him?

7 A. Yes.

8 Q. And the Village?

9 A. And he crossed everything else
10 off.

11 Q. The document that you are
12 referring to, that you believe is malicious,
13 was a document wherein Mr. Hesse crossed out
14 the boxes?

15 A. Uh-huh.

16 Q. Wrote that you were suing the
17 village and him, yes?

18 A. Yes.

19 Q. And that he could not answer any
20 questions concerning you because of the
21 lawsuit?

22 A. Yes. Also --

23 Q. No, no, so we're on that
24 document.

25 A. Okay.

1 J. Nofi

2 Q. Was there anything else on that
3 document that you can recall that you
4 believe was malicious?

5 A. I just told you.

6 Q. I know you said he crossed out
7 boxes, he wrote that you were suing him.

8 A. Not crossed out the boxes, put a
9 line right through the whole thing.

10 Q. That you were suing him and the
11 village, right?

12 A. Yes.

13 Q. And that he couldn't answer the
14 questions about you because of the lawsuit,
15 right?

16 A. I think I seen that part of it.

17 Q. So, now, my question to you, sir,
18 is very simple, other than those three
19 instances that you believe were malicious,
20 was there anything else on that particular
21 document that you can recall being
22 malicious?

23 A. No, just the phone calls.

24 Q. Okay, but we're only on this
25 document now, right.

1 J. Nofi

2 Now, the lawsuit, the fact that
3 you sued the village, was true, right?

4 A. Uh-huh.

5 Q. And Mr. Paradiso was also
6 contacted by Collier County, correct?

7 A. Yes.

8 Q. And isn't it true that
9 Mr. Paradiso also told Collier County that
10 you and other plaintiffs were suing the
11 village?

12 A. I don't know if he told them
13 that, I believe he did.

14 Q. On a document?

15 A. I believe so, yes.

16 Q. So you recall seeing a document
17 from Collier County where it's referenced
18 Mr. Paradiso advised them that you were
19 suing the village, correct?

20 A. Yes.

21 Q. Okay, did you think that was
22 malicious?

23 A. No, because he didn't say nothing
24 on the phone to them.

25 Q. I'm only talking about the

1 J. Nofi

2 document, sir.

3 A. I understand but I'm telling you
4 what he said on the phone.

5 Q. Mr. Nofi, the question is, do you
6 believe that what Mr. Paradiso wrote on that
7 document, according to Collier County,
8 concerning you suing the village was
9 malicious?

10 A. No, because he didn't cross out
11 the line and wrote everything good about me
12 in it, it's a big difference.

13 Q. Did Hesse write anything bad
14 about you on that document that you can
15 recall?

16 A. Absolutely, he crossed everything
17 out. So what do you think that means?

18 Q. Okay, so the fact that he crossed
19 everything on that document out, you
20 interpret it as being bad?

21 A. And so did they.

22 Q. What do you mean so did they?

23 A. The investigator of Collier
24 County.

25 Q. And what's the investigator's

1 J. Nofi

2 name?

3 A. Donaho, Officer Donaho.

4 Q. Officer Donaho?

5 A. Yes, sir.

6 Q. And when did you speak to Officer

7 Donaho?

8 A. On the phone, 2007.

9 Q. 2007, okay.

10 A. Now that you refreshed my

11 recollection.

12 Q. Did Mr. Donaho advise you

13 according to Collier County you failed the

14 lie detector test?

15 A. I never failed any lie detector,

16 they never advised me of that.

17 Q. Never advised you?

18 A. No. I was told I passed the lie

19 detector test.

20 Q. Who told you that?

21 A. And the psychological.

22 The lie detector person, who took

23 the lie detector test.

24 Q. He did?

25 A. Yes, he did, and also I passed

1 J. Nofi

2 the psychological.

3 Q. Did you receive any documents
4 from Collier County concerning your lie
5 detector test?

6 A. Nope, absolutely not.

7 Q. Do you recall receiving any
8 other --

9 MR. NOVIKOFF: Withdrawn.

10 Q. Do you recall seeing any other
11 documents from Collier County concerning
12 Mr. Hesse's statements about you?

13 A. No.

14 Q. You make reference to the fact in
15 the third sentence, now we are on page 26,
16 in fact, this is what you write, not only
17 did Hesse provide an unfavorable reference,
18 but he explicitly told the investigator in
19 Florida that Officer Nofi had filed a
20 lawsuit against him.

21 A. Correct.

22 Q. Okay, what do you mean by an
23 unfavorable reference?

24 A. An unfavorable reference?

25 Q. Yes, as it's used in paragraph

1 J. Nofi

2 112.

3 MR. GOODSTADT: Objection. You

4 can answer.

5 A. I would say it wasn't a good

6 reference.

7 Q. Okay, why wasn't it a good

8 reference?

9 A. Because if I sent you documents,

10 okay, and say you sent me papers and I was

11 your boss, for a job, and they asked me more

12 questions and I just went sha and that, you

13 now put that down on the bottom, what do you

14 think that would mean?

15 Q. That is what you believe

16 unfavorable reference means?

17 A. Yes, also with the phone calls.

18 Q. Then you write but he explicitly

19 told the investigator in Florida that

20 Officer Nofi had filed a lawsuit against

21 him, do you see that?

22 A. Yes.

23 Q. And is the investigator that's

24 being referred in this case Officer Donaho?

25 A. Yes.

1 J. Nofi

2 Q. Is there anything else, is there
3 any other reference in this complaint to
4 your knowledge -- well, let's go back to
5 page 25, okay, sir.

6 Starts off by saying Hesse
7 unlawfully interferes with plaintiffs
8 efforts to obtain new employment. Do you
9 see that, top of page 25?

10 A. 106 you mean?

11 Q. Yes, but there's a title there,
12 do you see that?

13 A. Okay, yes.

14 Q. And then you go onto page 25, you
15 go on page 26 and you end at the top of page
16 27, do you see that?

17 A. Yes.

18 Q. Now, let's go back to paragraph
19 112. You allege in paragraph 112, page 26
20 that Hesse explicitly told the investigator
21 in Florida that Officer Nofi had filed a
22 lawsuit against him, do you see that?

23 A. Uh-huh.

24 Q. Okay, is there any other
25 reference between paragraph 106 and

1 J. Nofi

2 paragraph 115 to what Mr. Hesse explicitly
3 told Officer Donaho concerning Collier
4 County?

5 MR. GOODSTADT: Objection, the
6 document speaks for itself.

7 MR. NOVIKOFF: That's fine, you
8 can answer.

9 MR. GOODSTADT: You can read it
10 and answer it.

11 Q. Please do.

12 A. So you want me to read from 113
13 all the way to 115?

14 MR. GOODSTADT: I think he
15 said --

16 Q. 106 to --

17 A. You want me to read 106 to what?

18 Q. To 115, and tell me if there's
19 any other reference in these paragraphs
20 concerning what Mr. Hesse may or may not
21 have explicitly told the investigator in
22 Collier County.

23 MR. GOODSTADT: Objection.

24 MR. NOVIKOFF: I understand.

25 A. You want me to go to the top of

1 J. Nofi

2 page 27 too?

3 Q. If that's where it ends, yes.

4 A. Yes, finished.

5 Q. So now my question, sir, is there
6 any other reference between 106 and 115
7 wherein you identify what Hesse explicitly
8 told the investigator in Florida other than
9 the fact that you had filed a lawsuit
10 against him?

11 MR. GOODSTADT: Objection, the
12 document speaks for itself.

13 A. The phone calls.

14 Q. Sir, that's not my question.
15 You've taken the opportunity to review 106
16 through 115.

17 A. Right.

18 Q. My question to you, sir, is there
19 anything within those paragraphs that you've
20 just read other than you alleging that Hesse
21 told the investigator in Florida that you
22 were suing him, that refers to any other
23 explicit comments made by Hesse to the
24 investigator?

25 MR. GOODSTADT: Objection.

1 J. Nofi

2 A. Not in this, it doesn't show.

3 Q. And this is an important document
4 to your case, correct?

5 MR. GOODSTADT: Objection.

6 A. Yes.

7 Q. In fact this is the most
8 important document because this is the
9 complaint that you filed, sir?

10 MR. GOODSTADT: Objection.

11 Q. Yes?

12 MR. GOODSTADT: Objection.

13 Q. Can't answer it?

14 A. I can answer it, yes.

15 Q. The answer is yes, and you would
16 want to make sure that if there was
17 something that was said by Mr. Hesse that
18 you believe was malicious it would have been
19 in here, correct?

20 MR. GOODSTADT: Objection.

21 Q. Yes?

22 A. I would like to answer it as the
23 way it was written, I guess, there's things
24 I didn't understand when I was asked
25 questions, but the thing I should have put

1 J. Nofi

2 in with the phone calls, is that what you
3 are telling me?

4 Q. I'm not telling you anything,
5 sir, I just asked you a question.

6 A. He did a lot more than that, yes.

7 Q. It's not in the complaint, is it?

8 A. Yes.

9 Q. Okay, so let's talk about the
10 phone call.

11 A. Okay, go ahead.

12 Q. Mr. Donaho told you that
13 Mr. Hesse made certain comments?

14 A. Yes. He told me that he spoke --

15 Q. All right, I didn't ask the
16 question yet.

17 When did you have that
18 conversation with Mr. Donaho?

19 A. After everything, when I came
20 back from Florida in 2007, whatever.

21 Q. What do you mean when you came
22 back from Florida?

23 A. I went down there.

24 Q. To do what?

25 A. To get tested and everything

1 J. Nofi

2 else, waste of my time and everything to go
3 down there, a lot of money.

4 Q. You said it was a waste of your
5 time?

6 A. Because what happened when I came
7 back, and I found out that was written about
8 me and told about me by Chief Paradiso.

9 Q. Chief Paradiso told you?

10 A. Yes, and he also explained to me
11 that it was Chief Hesse and I told him Chief
12 Hesse was not a chief at that time.

13 Q. We'll get into what Mr. Hesse's
14 duties were.

15 I'm guess what I'm trying to
16 figure out, sir, is when did you have this
17 purported conversation with Inspector
18 Donaho?

19 A. Investigator Donaho.

20 Q. Investigator Donaho.

21 A. When did I have this conversation
22 with him?

23 Q. Yes, this verbal conversation.

24 A. When I get back home.

25 Q. And when was that?

1 J. Nofi

2 A. 2007. You told me 2007, that's
3 when it must have been.

4 Q. I didn't tell you anything.

5 Do you have any documents in your
6 possession, custody or control that would
7 refresh your recollection?

8 A. If I find them at home, yes. If
9 I got them at home, yes.

10 Q. And what would those documents
11 be?

12 A. What you just told me two seconds
13 ago when you opened the page, it said 2007,
14 you told me.

15 Q. I'm showing you the document,
16 sir, does that refresh your recollection as
17 to when you had this conversation with
18 Mr. Donaho?

19 A. Not in here it doesn't, no.

20 Q. Well, what document do you recall
21 being in your possession that would refresh
22 your recollection?

23 A. The ones I got from Florida.

24 Q. Oh, it was those documents, okay.

25 And how many conversations did

1 J. Nofi

2 you have with Mr. Donaho?

3 A. Two.

4 Q. Over the phone?

5 A. Two.

6 Q. After you got back from Florida?

7 A. Yeah, two maybe.

8 Q. Who initiated the first call?

9 A. I don't remember.

10 Q. Who initiated the second call?

11 A. I probably did, I called up Chief
12 Paradiso.

13 Q. I only care about your
14 conversations with Mr. Donaho, sir. So
15 let's go back.

16 How many conversations did you
17 have with Mr. Donaho after you came back
18 from Florida?

19 A. I don't know, two, three.

20 Q. Oh, it could be three now?

21 A. Two or three.

22 Q. Were they on the cell phone?

23 A. No, my house phone.

24 Q. What call plan do you use,
25 Verizon, Cablevision?

1 J. Nofi

2 A. Cablevision.

3 RQ MR. NOVIKOFF: Okay, I call for
4 the production of the Cablevision phone
5 records that would reflect, to the
6 extent they exist, phone calls to
7 Collier County, Florida.

8 MR. GOODSTADT: Take it under
9 advisement.

10 MR. NOVIKOFF: Sure.

11 Q. How long was this first
12 conversation?

13 A. Ten minutes.

14 Q. Where were you?

15 A. In my house.

16 Q. Where in your house?

17 A. In the living room.

18 Q. Okay, and what was the purpose of
19 the phone call?

20 A. To find out what was going on.

21 Q. You hadn't been told yet that you
22 were not going to be hired?

23 A. I was never told I wasn't going
24 to be hired.

25 Q. So you were calling to find out?

1 J. Nofi

2 A. To find out what was going on,
3 yes.

4 Q. And how did you know to talk to
5 Mr. Donaho?

6 A. Because he's my investigator. He
7 told me to call him whenever I wanted to.
8 He gave me his card.

9 Q. Do you still have his card?

10 A. I might have it at home, yes.

11 RQ MR. NOVIKOFF: Call for the
12 production of Mr. Donaho's card.

13 MR. GOODSTADT: Take that under
14 advisement.

15 Q. What did you ask Mr. Donaho --

16 THE WITNESS: What about the
17 phone calls between them two?

18 MR. GOODSTADT: Just answer the
19 question.

20 THE WITNESS: Okay.

21 Q. What did you ask Mr. Donaho, if
22 anything, in this first conversation?

23 A. What did I ask him?

24 Q. Yes, if anything.

25 A. I asked him basic stuff what you

1 J. Nofi

2 ask investigators, how's it going, is there
3 anymore information, am I getting the job,
4 and he told me that --

5 Q. Wait, we are not there yet.

6 What else did you ask him?

7 A. I asked him how everything was
8 going. He said right now everything is
9 going good and that everybody he called was
10 excellent references, that he stated who
11 they called, who they call up to investigate
12 on, and I had seven people call me and tell
13 me I had the job 100 percent.

14 Q. Seven people called you?

15 A. Yes.

16 Q. Who were they?

17 A. People that he called up and
18 asked about, you know, my background, all
19 that kind of stuff.

20 Q. So the seven people that you
21 called -- I'm sorry, so that the seven
22 people that told you that you had the job
23 100 percent?

24 A. After they got off the phone with
25 him.

1 J. Nofi

2 Q. Did not work for Collier County?

3 A. No.

4 Q. They were your references?

5 A. Yes.

6 Q. Who were they?

7 A. I don't remember all the names.

8 I got to say all the names now?

9 Q. If you can recall them.

10 A. People I work with.

11 Q. If you can recall them, sir,
12 answer, if you can't you can't.

13 A. My boss.

14 Q. Doesn't help me.

15 A. Lloyd Benacasa; another lady I
16 work with and I don't know her last name,
17 Moran, she got married; Dennis Flynn; Eric
18 Paradiso, I believe it was too; Mark
19 Interante; Walter Going, Walter Going, who
20 else? Bob Morshoff, I don't know how to
21 pronounce his last name, he works too with
22 Suffolk County. That's all I can remember
23 names right now.

24 Q. And what did Mr. Donaho say to
25 you in this conversation, if anything,

1 J. Nofi

2 concerning comments made by Mr. Hesse?

3 A. I mean you really expect me to
4 remember? Sometimes I don't remember what I
5 ate the next day. I mean all the way that
6 far back? I mean all I know is that he said
7 something bad about me, because Chief
8 Paradiso called me up and told me that he
9 had a bad reference from Donaho. He just
10 got off the phone with the investigator and
11 he told me he said all this stuff about me.

12 MR. GOODSTADT: Just answer the
13 question.

14 A. And he tried to fix the
15 conversation and talked to him and explained
16 to him what was going on.

17 Q. Paradiso tried to fix the
18 conversation?

19 A. He talked to my investigator.

20 Q. Okay, here's my question.

21 A. Go ahead.

22 Q. I'm going to ask it again.

23 A. Go ahead, ask me again.

24 Q. What did Donaho say to you in

25 this conversation concerning what Mr. Hesse

1 J. Nofi

2 said about you, if anything?

3 A. Just that he talked to him.

4 Q. What malicious statement did

5 Donaho say to you in this first phone

6 conversation concerning Hesse?

7 A. He said to me that he talked to
8 Hesse. He said Chief Hesse, or whatever it
9 was. I just said as soon as he said that, I
10 said he is not the chief of police, Chief
11 Paradiso was the chief of police, which he
12 was at the time, and he said, oh, because I
13 didn't get a very good, you know, out of him
14 view, whatever, whatever, he spoke to him.
15 He didn't say something malicious, he just
16 said what was said wasn't good, and I told
17 him to please contact Chief Paradiso and
18 talk to him, and that's it.

19 Q. Did Donaho tell you specifically
20 what Hesse said?

21 A. Of course not. He just said it
22 in a round about way, a nice way. He's not
23 going to tell me, he's my investigator.

24 Q. He just said to you that Hesse
25 didn't give you a favorable?

1 J. Nofi

2 A. Not, just around it, just in a
3 round about way.

4 Q. What did he say?

5 A. Trying to remember, it wasn't
6 good, it wasn't good.

7 Q. How about the second conversation
8 that you say you may have had with
9 Mr. Donaho?

10 A. Yes.

11 Q. Did Mr. Donaho advise you as to
12 what Mr. Hesse said during any conversation?

13 A. No, he just told me he was going
14 to contact Chief Paradiso, and he did.

15 Q. Same question in regard to the
16 possible third conversation that you had
17 with Donaho, did Donaho advise you in this
18 conversation as to what Hesse may or may not
19 have said about you?

20 A. No, just told me he contacted
21 Chief Paradiso and everything was, you know,
22 a lot better then, after he talked to Chief
23 Paradiso.

24 Q. Okay, and why --

25 A. He had a much better reference.

1 J. Nofi

2 Q. He said Paradiso gave you a much
3 better reference?

4 A. And Paradiso told me he gave me a
5 very good reference, the truth.

6 MO MR. NOVIKOFF: Move to strike.

7 Q. Did Donaho advise you as to what
8 Paradiso said about you?

9 A. No, not that I remember.

10 Q. Let me just understand, is there
11 anything that would refresh your
12 recollection?

13 A. No.

14 Q. Sir, this conversation that you
15 had with Mr. Donaho, you would agree with me
16 is an important conversation, right?

17 MR. GOODSTADT: Objection.

18 Q. Right, yes?

19 A. Yes, I would say so.

20 Q. You are claiming in this lawsuit
21 that Mr. Hesse defamed you in his
22 communications with Donaho, right?

23 A. Once again it was a long time
24 ago, it's hard to remember.

25 Q. You would agree with me, sir,

1 J. Nofi

2 that as a basis for your claim Mr. Hesse
3 defamed you by saying malicious things about
4 you in his communications with Donaho,
5 right, that is a basis for your claim here?

6 A. From the paper I got from Florida
7 and also from what was in the conversation,
8 from what I was told.

9 Q. Just so I'm clear, sir, you can't
10 tell anyone in this room --

11 A. Yes, I can, chief told.

12 Q. You can't tell anybody in this
13 room, sir, what specifically Hesse said
14 about you to Donaho, can you?

15 A. He didn't say good things, nice
16 things about me. He said not good things to
17 me. That is what I was told. He is not
18 going to tell me what he said. It just
19 wasn't good, period, it was not good.

20 Q. Let's look at paragraph 107. You
21 allege by way of example only Hesse gave bad
22 references and forwarded false information
23 regarding Officers Nofi and Fiorillo to the
24 South Hampton Police Department, thereby
25 directly causing them to lose offers of new

1 J. Nofi

2 employment with the department. Do you see
3 that?

4 A. Yes, I do.

5 Q. Okay, what false information did
6 Hesse give to the South Hampton Police
7 Department?

8 A. Okay, I was told by my boss,
9 okay, in Suffolk County health services, she
10 called me and said I can't believe --

11 MO MR. NOVIKOFF: You know what,
12 I'm going to move to strike. I'm not
13 interested yet in who told who what.

14 Q. My question to you is --

15 A. I'm answering your question.

16 Q. I just want to know specifically,
17 sir, what false information are you aware
18 of, regardless of who it came from, are you
19 aware of that Hesse gave to the South
20 Hampton Police Department about you?

21 A. Yes.

22 Q. What was the false information?
23 Don't tell me who said what to whom.

24 A. I was just told I got a bad
25 reference, that he said bad things about me.

1 J. Nofi

2 Q. Were you ever told what
3 specifically --

4 A. No.

5 Q. Let me finish the question, sir.
6 Were you ever told specifically
7 what Hesse said about you concerning a bad
8 reference?

9 A. No, just that it was bad.

10 Q. That you were a bad guy?

11 A. No, just that he said bad stuff
12 about me. That's what I was told.

13 Q. So you were told by somebody that
14 Hesse told somebody else bad things about
15 you?

16 A. Yes.

17 Q. Who told you that Hesse gave you
18 a bad reference to the South Hampton Police
19 Department?

20 A. My boss, who is the director of
21 Suffolk County Health Services.

22 Q. What is your boss' name?

23 A. Laurie Benicasa, B-E-N-I-C-A-S-A
24 or C-A-S-A.

25 Q. Did Mr. Benicasa advise you

1 J. Nofi

2 specifically what Hesse said to someone at
3 South Hampton?

4 A. Yes.

5 Q. What did Benicasa say to you?

6 A. Her husband works for South
7 Hampton town, he's the senior building
8 inspector.

9 Q. Whose husband?

10 A. Her, Laurie Benicasa's husband.

11 Q. Oh Laurie Benicasa is a woman?

12 A. Yes, she's a female. Laurie, I
13 would say so.

14 Q. I thought you said Lloyd.

15 A. I said Laurie.

16 Q. So what did Laurie Benicasa say
17 to you specifically --

18 MR. NOVIKOFF: Withdrawn.

19 Q. What specifically, again without
20 telling me who Laurie got it from?

21 A. Okay.

22 Q. What specifically did Laurie
23 advise you that Mr. Hesse said bad about
24 you?

25 A. I just told you, she said that

1 J. Nofi

2 she got -- she said to me -- she called me
3 in the office and said I can't even tell you
4 this because I can't believe I heard
5 something come back bad about you, but her
6 husband stated to her that said gave me a
7 bad reference and said things about me and
8 that's why I didn't get hired, exact just
9 like that.

10 Q. Okay, and when did that
11 conversation take place with Laurie?

12 A. In the office. I don't know,
13 when I went for the job, I don't remember.

14 Q. 2007?

15 A. I don't know.

16 Q. You don't know?

17 A. No.

18 Q. So let me understand this, the
19 linkage that leads up to you.

20 Laurie Benicasa is your boss?

21 A. Yes.

22 Q. At where?

23 A. Suffolk County Health Services.

24 Q. Okay, she brought you into the
25 office and told you that her husband had a

1 J. Nofi

2 conversation with whom concerning

3 Mr. Hesse's reference?

4 A. I don't know.

5 Q. Okay, well, did Mr. Hesse have

6 the conversation with Laurie Benicasa's

7 husband?

8 A. No.

9 Q. Okay, so Laurie speaks to you,

10 tells you that her husband had a

11 conversation with somebody else wherein her

12 husband learned that Hesse gave you a bad

13 reference?

14 A. Yes, because her husband works
15 there. I asked him for a reference to find
16 out if I could get a job at South Hampton --

17 MO MR. NOVIKOFF: Motion to

18 strike.

19 Q. I just want to understand the

20 chain of communications.

21 You had a conversation with

22 Laurie, correct?

23 A. Yes.

24 Q. And Laurie told you that her

25 husband had a conversation with someone that

1 J. Nofi

2 you don't recall?

3 A. He worked for South Hampton town.

4 Q. Okay, someone who worked for
5 South Hampton town?

6 A. Yes.

7 Q. Who told Laurie's husband that
8 Mr. Hesse gave you a bad reference?

9 A. That is correct.

10 Q. And you don't know specifically
11 what, if anything, Mr. Hesse said other than
12 the fact that it was a bad reference?

13 A. She didn't want to tell me. She
14 just said it was a very bad reference.

15 Q. But she didn't want to tell you?

16 A. Of course not.

17 Q. So you don't know --

18 A. She said bad.

19 Q. You don't know specifically what
20 Hesse said?

21 A. No, just bad stuff.

22 Q. Let's look at paragraph 110.

23 Upon information and belief Hesse circulated
24 false and malicious negative references
25 concerning plaintiffs among officials

1 J. Nofi

2 working for the Town of Islip.

3 A. Right.

4 Q. Does this allegation pertain to
5 you?

6 A. I don't work for the Town of
7 Islip.

8 Q. That's why I'm asking the
9 question, sir, does this allegation pertain
10 to you?

11 A. No.

12 Q. Okay, let's look at paragraph
13 113. As a result of false, damaging and
14 baseless allegations that have been inserted
15 in plaintiffs civil service records, do you
16 see that?

17 A. Yes.

18 Q. What civil service records are --
19 well, let me ask you the first question,
20 does this allegation pertain to you?

21 A. Yes.

22 Q. Okay.

23 A. Absolutely.

24 Q. Have you looked at your civil
25 service records --

1 J. Nofi

2 MR. NOVIKOFF: I'm sorry,
3 withdrawn.

4 Q. Between the time, between April
5 2, 2006 and the date that you filed this
6 complaint, which is March of 2007, did you
7 ever inspect your civil service records?

8 A. I just got something, a
9 statement, from civil service stating when I
10 was terminated, and that was it. That's
11 what I looked at.

12 Q. My question to you, sir, is did
13 you ever undertake an investigation into
14 your civil service records between April 2,
15 2006 and the date you filed this lawsuit?

16 A. I went there to make a complaint
17 to civil service.

18 Q. I understand that.

19 Did you look at your civil
20 service records?

21 A. What do you mean by civil service
22 record? I don't understand what you're
23 saying.

24 Q. Did you ask can I look at my
25 file, at any point between April 2nd and the

1 J. Nofi

2 date you filed this lawsuit?

3 A. We went there. We just talked to
4 the girl. No, I don't think I looked at
5 anything, but that one statement, the one
6 that said I was terminated.

7 Q. Anything else on that document
8 other than the fact that you were
9 terminated?

10 A. Just that it was saying I was
11 terminated in January of '06 but I worked in
12 January '06 and I wasn't told I was
13 terminated.

14 Q. Other than that one document,
15 well, other than what you just said, was
16 there anything else on that document that
17 you recall being stated about you?

18 A. Yes. It was two jobs at the same
19 time, terminated at the exact same date,
20 according to that record.

21 Q. What two jobs?

22 A. The other job I had, they
23 terminated me the exact same day with that
24 one.

25 Q. What was the other job?

1 J. Nofi

2 A. The Smithtown.

3 Q. You were fired from Smithtown?

4 A. No, not fired. No, they said I
5 was terminated because of what was going on
6 with the lawsuit.

7 Q. Smithtown?

8 A. Uh-huh.

9 Q. And what did Smithtown say?

10 A. They didn't say anything. It was
11 in the paperwork, I was terminated the exact
12 same dates as Ocean Beach.

13 Q. Did you ever -- what was your job
14 at Smithtown?

15 A. Bay constable.

16 Q. And was that a part-time job?

17 A. Yes.

18 Q. When did you work that part-time
19 job?

20 A. 2006, 2007; 2006. There was a
21 list, 2005, 2006.

22 Q. Were those the only years you
23 worked as a bay constable for Smithtown?

24 A. Because I switched over to
25 Babylon town instead.

1 J. Nofi

2 Q. When did you switch to Babylon?

3 A. Two years ago. I had to redo
4 everything, take a psychological test all
5 over again, but it's security enforcement.

6 Q. So after April 2nd you got a job
7 at Babylon?

8 A. No, no, way after. I was trying
9 to get a job forever but nobody would hire
10 me.

11 Q. But you were hired by Babylon?

12 A. Yes, because I had a friend
13 there.

14 Q. But you were hired from Babylon?

15 A. Yes.

16 Q. When?

17 A. Two years ago.

18 Q. Okay, so this is now September of
19 2008, so that would have been September of
20 2006?

21 A. Yes, right, maybe 2007.

22 Q. Well, which is it?

23 A. I'm not sure, 2007.

24 MR. GOODSTADT: Objection.

25 A. I'm not sure, 2007.

1 J. Nofi

2 RQ MR. NOVIKOFF: I call for
3 production of documents reflecting when
4 Mr. Nofi was hired by Babylon.

5 MR. GOODSTADT: I will take it
6 under advisement.

7 MR. NOVIKOFF: Sure. Well,
8 actually it should have been produced
9 only because it goes to potential
10 mitigation, but if you still want to
11 take it under advisement, that's fine,
12 we will discuss it after the
13 deposition.

14 Q. So, my question, sir, is back to
15 paragraph 113, what was the -- well, what
16 document is being referred to when it's
17 alleged that there are false, damaging and
18 baseless allegations that have been inserted
19 in plaintiffs civil service records?

20 MR. GOODSTADT: Objection.

21 Q. To the extent you know.

22 A. From when we went there and
23 talked to her, that's the only thing I know
24 that was, that I understand about that, when
25 we went there.

1 J. Nofi

2 Q. When you talked to Alison
3 Sanchez?

4 A. Alison Chester, who is now Alison
5 Sanchez, but at the time she was Alison
6 Chester.

7 Q. Just so I understand this, sir,
8 when it's alleged in paragraph 113 that as a
9 result of false, damaging and baseless
10 allegations that have been inserted in
11 plaintiffs civil service records, you don't
12 know of any document that exists today that
13 contains false, damaging and baseless
14 allegations that have been inserted in your
15 civil service record, do you?

16 MR. GOODSTADT: Objection.

17 A. Oh, now, do you mean just in
18 paperwork or do you mean --

19 Q. Yes.

20 A. -- from anywhere?

21 Q. What is your understanding of the
22 word records?

23 A. Oh, there was a blog about us
24 when we went to civil service.

25 Q. Was the blog in the civil service

1 J. Nofi

2 records?

3 A. No, I don't think so.

4 Q. I'm only concerned, sir, you are
5 familiar with civil service, right?

6 A. Yes.

7 Q. And in fact after April 2nd you
8 went to Miss Chester at the civil service,
9 correct?

10 A. Yes.

11 Q. And you are aware that you have a
12 civil service record that contains certain
13 information about you, correct?

14 A.. Yes.

15 Q. And in fact you received a
16 document from the civil service concerning
17 your Ocean Beach job after April 2, 2006,
18 right?

19 A. Yes.

20 Q. Okay, what document did you --

21 MR. NOVIKOFF: Withdrawn.

22 Q. Can you point out any document
23 that is in your civil service record that
24 contains what you believe to be a false,
25 damaging or baseless allegation?

1 J. Nofi

2 MR. GOODSTADT: Objection.

3 Q. To the extent you know.

4 A. No. They wouldn't let us see
5 anything, they didn't give us anything.

6 Q. Who wouldn't let you see
7 anything?

8 A. Alison Chester. She told us we
9 had no rights of what was going on.

10 Q. So you made this allegation
11 notwithstanding the fact you had never seen
12 your civil service records, is that your
13 testimony, sir?

14 MR. GOODSTADT: Objection.

15 A. I don't understand what you are
16 trying to say.

17 Q. Sir, I will break it down for you
18 as simply as I can.

19 A. Okay, break it down.

20 Q. You make an allegation here that
21 as a result of false, damaging and baseless
22 allegations that have been inserted in
23 plaintiffs civil service records, do you see
24 that?

25 A. Right.

1 J. Nofi

2 Q. What is your understanding of the
3 word inserted? Stop, what is your
4 understanding of the word inserted?

5 A. I believe that I thought it meant
6 that when we went there and seen her.
7 That's what I thought this was about.

8 Q. What is your understanding of the
9 word inserted?

10 A. That we went and told her --

11 MR. GOODSTADT: Listen to the
12 question, Joe.

13 Q. What is your understanding of the
14 word inserted?

15 A. I don't know. You tell me.

16 Q. No, I'm asking you, sir.

17 A. I don't know.

18 Q. What is your understanding of the
19 word records?

20 A. Records, you know, when people
21 give you records, or documents, or papers.

22 Q. So the question, and you've now
23 testified that you asked to look at your
24 record during this meeting with Miss Chester
25 and she told you you couldn't see it?

1 J. Nofi

2 MR. GOODSTADT: Objection, the
3 testimony is on the record.

4 Q. Fine, did you ever ask Miss
5 Chester to see your civil service records?

6 A. No, I don't believe we did
7 because we got pushed out of there fast.
8 You know, we just went there to ask
9 questions about what our rights were.

10 Q. And did you ever ask anyone else
11 at civil service before you filed this
12 complaint to look at your civil service
13 record?

14 A. Before I filed the complaint?

15 Q. Yes.

16 A. I believe I went to civil service
17 on one or two occasions because I work right
18 across and asked them for papers, but they
19 said they weren't allowed to give any
20 paperwork out, that I remember.

21 Q. Who is they?

22 A. In civil service.

23 Q. Who?

24 A. The people at the desk. I don't
25 know their names, they don't tell you their

1 J. Nofi

2 names.

3 Q. Okay, did you advise your
4 attorney about this?

5 MR. GOODSTADT: Objection.

6 MR. NOVIKOFF: Withdrawn.

7 Q. Was your attorney retained by
8 this time?

9 A. Might have been; might have not
10 been.

11 Q. But Miss Chester never refused a
12 request by you to look at your civil service
13 records?

14 A. We didn't ask to look at civil
15 service. I didn't ask.

16 Q. That's right, you didn't?

17 A. I just asked for that one paper
18 and I got it.

19 Q. Let me understand this correctly,
20 prior to you filing this complaint and prior
21 to you authorizing your attorney to make the
22 allegation in paragraph 113, you had never
23 looked at your civil service records, did
24 you?

25 MR. GOODSTADT: Objection.

1 J. Nofi

2 A. I don't even know why I would
3 look at my civil service records.

4 Q. Fair enough.

5 What false, damaging and baseless
6 allegations do you allege is contained in
7 your civil service records?

8 MR. GOODSTADT: Objection, asked
9 and answered.

10 MR. NOVIKOFF: No, not
11 specifically that question.

12 Q. So, what false, damaging and
13 baseless allegation do you allege has been
14 inserted in your civil service records?

15 A. Because when we went there --

16 Q. No, my question is -- I don't
17 need the time line, sir. My question is
18 very specific.

19 You make an allegation that there
20 are false, damaging and baseless allegations
21 that have been inserted in your civil
22 service records. My question to you is,
23 what were the false, damaging and baseless
24 allegations that are being alleged in
25 paragraph 113?

1 J. Nofi

2 A. Just the only thing I can tell
3 you is when we went there. That's from what
4 we were told, and then after we got out, we
5 found out after a couple of weeks the blog
6 came out started saying, you know, things
7 about me. I never went on the blog but I
8 was told.

9 MO MR. NOVIKOFF: Motion to strike
10 as not responsive.

11 Q. Yes or no, sir, can you tell
12 everyone in this room what the false,
13 damaging and baseless allegations were that
14 are being referred to in paragraph 113?

15 A. The only thing I can think of is
16 when I went for the psychological test, the
17 first time when I went, I don't know.

18 MR. NOVIKOFF: That's fine. I
19 think we are running out of tape, so
20 let's change it, just take a
21 five-minute break and we will come
22 back.

23 THE VIDEOGRAPHER: This ends
24 tape number one. The time is 11:30
25 a.m. and we are off the record.

1 J. Nofi

2 (A discussion was held off the
3 record.)

4 THE VIDEOGRAPHER: This begins
5 tape number two. The time is 11:45
6 a.m., back on the record.

7 Q. Sir, have you sued the Town of
8 Smithtown for unlawful termination?

9 A. I didn't get unlawful
10 termination, they hired all Suffolk County
11 PD guys there.

12 Q. All right, let me understand.

13 A. And I went to another job.

14 Q. What other job is that, the
15 Babylon job?

16 A. Babylon town public safety.

17 Q. You were notified by civil
18 service that on April 2, 2006 you were no
19 longer employed by the Town of Smithtown?

20 A. Just from what the papers said.

21 Q. That's what I'm asking you.

22 On a piece of paper you received
23 from civil service --

24 A. I didn't even know I was
25 terminated.

1 J. Nofi

2 Q. Sir, on a piece of paper that you
3 received --

4 A. Yes.

5 Q. -- from civil service, you were
6 advised as of April 2, 2006 you were no
7 longer working for the Town of Smithtown?

8 A. Yes.

9 Q. What was your job with the Town
10 of Smithtown again?

11 A. Just public safety.

12 Q. And how long had you worked it?

13 A. Maybe two years.

14 Q. That was a part-time position?

15 A. Yes.

16 Q. And you just testified that you
17 have not sued them for unlawful termination,
18 is that correct?

19 A. No, because it wasn't unlawful
20 termination.

21 Q. And that's because they just
22 decided to hire Suffolk County PD?

23 A. And I knew I wasn't going to be
24 there long because it was too far for me to
25 go, it was too far for me to drive.

1 J. Nofi

2 Q. Had you advised them of it?

3 A. Yeah, they knew.

4 Q. So they knew prior to April 2nd?

5 A. No, afterwards.

6 Q. Why did you advise them
7 afterwards that it was too far? Why did you
8 advise the Town of Smithtown after you
9 received that document from civil service
10 that it was too long for you to drive there?

11 A. Well, for myself, it was too long
12 for me. I didn't advise them. It was too
13 long for me.

14 Q. That's what I'm asking you.

15 A. No, I just advised them what
16 happened and the guy told me, one of the
17 workers there said, because of what was
18 going on in Ocean Beach they can't keep
19 someone under litigation because it's not
20 good for the, you know, the lawsuit, you
21 know, they can't do that for the law.

22 MO MR. NOVIKOFF: I'm going to move
23 to strike that.

24 A. Under litigation.

25 MO MR. NOVIKOFF: Move to strike

1 J. Nofi

2 that as not responsive.

3 Q. Sir, I'm just trying to
4 understand, the Town of Smithtown, you
5 didn't file an unlawful termination lawsuit
6 against them, correct?

7 A. No.

8 Q. And that's because you believe
9 that they have only hired Suffolk County
10 Police Department?

11 MR. GOODSTADT: Objection.

12 A. No.

13 Q. Then why didn't you file an
14 unlawful termination suit against them?

15 MR. GOODSTADT: Objection.

16 A. Because they didn't do anything
17 to me.

18 Q. They didn't do anything, in your
19 opinion, that was wrong?

20 A. No, they didn't say bad things
21 about me afterwards.

22 Q. Okay, let's go back to paragraph
23 107. It's alleged in paragraph 107 that
24 false information was forwarded regarding
25 you to the South Hampton Police Department,

1 J. Nofi

2 do you see that?

3 A. Yes.

4 Q. What false information was
5 forwarded, regardless of from whom it came
6 from, what was the false information that is
7 being alleged?

8 A. Just what I told you.

9 Q. You've got to tell me, I didn't
10 ask you this question yet, what false
11 information was forwarded?

12 A. What was told to me.

13 Q. What was told to you?

14 A. What I told you before.

15 Q. Which was what?

16 A. About what my boss told me.

17 Q. Laurie?

18 A. Yes.

19 Q. That Hesse gave you a bad
20 reference?

21 A. Yes.

22 Q. Okay, let's look at paragraph
23 113, last sentence. Plaintiffs have been
24 unable to secure new comparable employment
25 in the law enforcement profession, do you

1 J. Nofi

2 see that?

3 A. Yes.

4 Q. Is the Babylon job in the law
5 enforcement profession?

6 A. Security enforcement.

7 Q. You would not consider that to be
8 law enforcement?

9 A. Security, we carry guns under
10 permits only. We are not law enforcement
11 security.

12 Q. But you carry a gun?

13 A. Yes, only when we're working, but
14 you have to have a license permit, which I
15 had to go and get, which took a very long
16 time too.

17 Q. You carried a gun for Ocean
18 Beach, correct?

19 A. Yes, but that was under the
20 shield, you didn't have to have a permit.

21 Q. My question is, did you carry a
22 gun for Ocean Beach?

23 A. Yes.

24 Q. And you carried it while you were
25 off duty as well?

1 J. Nofi

2 A. No, I never did.

3 Q. Were you permitted to?

4 A. Yes.

5 Q. Are you permitted to carry a gun
6 off duty now?

7 A. No.

8 MR. GOODSTADT: Just let him
9 finish the question before you answer.

10 Q. So advise me what other jobs --

11 MR. NOVIKOFF: Well, withdrawn.

12 Q. What jobs do you believe you did
13 not get because of something that Mr. Hesse
14 said?

15 A. A lot.

16 Q. Well, just give me the list.

17 A. What other jobs? Well --

18 Q. I don't want to know what he
19 said, don't want to know who told you.

20 A. It's a small county, okay. All
21 of a sudden, when word goes out, okay, and
22 it goes out, it's very bad, okay. I went to
23 a lot of places, SPCA, which is a volunteer
24 organization for animals, okay, which they
25 all know each other; South Hampton town PD,

1 J. Nofi

2 Shelter Island PD, Riverhead PD, Florida
3 Collier County, Northport PD, Babylon town,
4 which didn't hire me for the longest time
5 until I explained to them what was going on,
6 and they took a chance on me. That's what I
7 was told.

8 Q. Are you done with your list?

9 A. Yes.

10 MO MR. NOVIKOFF: I'm going to move
11 to strike all aspects of that answer
12 other than the list of potential
13 employers that Mr. Nofi believes did
14 not hire him as a result of something
15 that Mr. Hesse said.

16 MR. GOODSTADT: Just for the
17 record, you're welcome to make whatever
18 motion you want to the Court, we would
19 obviously object to that.

20 MR. NOVIKOFF: I get that.

21 Q. You indicated when word goes out,
22 what do you mean word goes out?

23 A. You know, he spread bad rumors
24 about us.

25 Q. What bad rumors, do you know,

1 J. Nofi

2 that he spread about you?

3 A. On the blog, take a look at the
4 blog.

5 Q. So you are referring to the blog,
6 anything else?

7 A. Just from hearsay.

8 Q. So other than the blog and other
9 than hearsay you can't identify what bad
10 rumors Mr. Hesse spread about you?

11 A. That should be enough.

12 Q. Sir, my question to you is, other
13 than the blog and other than hearsay, as
14 you've testified to --

15 A. Yes.

16 Q. -- what other bad rumors did
17 Mr. Hesse spread about you specifically?

18 MR. GOODSTADT: Objection, to
19 the extent it calls for a legal
20 conclusion, but you can answer.

21 A. Just what was written, I guess
22 what I seen in documents, like I said, from
23 Collier County, what was put on there.

24 Q. So, now, other than the Collier
25 County document that you have testified

1 J. Nofi

2 about, other than the blog and hearsay, what
3 other bad rumors do you know that Mr. Hesse
4 spread about you?

5 MR. GOODSTADT: Objection.

6 A. I'm not sure.

7 Q. Okay, let's talk about the blog.

8 Paragraph 114, second sentence,
9 upon information and belief these postings
10 were created by OBPD Officer Tyrie Bacon, at
11 the direction of and or with approval from
12 Hesse. Do you see that?

13 A. Yes.

14 Q. What is the information and
15 belief that is being alleged?

16 A. I didn't say that though.

17 Q. Sir, this is your complaint,
18 correct? Sir, is this your complaint?

19 A. Yes, it's with all of us, not
20 just me.

21 Q. Sir, is this your complaint?

22 MR. GOODSTADT: Objection.

23 Q. Paragraph 14 starts with
24 plaintiffs, do you see that?

25 MR. GOODSTADT: Objection, it's
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1 J. Nofi

2 114.

3 Q. Are you one of the plaintiffs in
4 this lawsuit?

5 A. Yes.

6 Q. It's alleged by you in this
7 lawsuit the following, plaintiffs have been
8 humiliated and defamed by malicious and
9 utterly baseless attacks on their integrity
10 and record of public service that have
11 appeared on publicly accessible internet
12 blogs. Do you see that?

13 A. Yes.

14 Q. When you read this, you believed
15 it to be accurate, correct?

16 A. Yes.

17 Q. It then goes on, you then go on
18 to allege, as I have just read, upon
19 information and belief these postings were
20 created by OBPD Officer Tyrie Bacon at the
21 direction of and or with approval of Hess.
22 Do you see that?

23 A. Yes.

24 Q. What is the information and
25 belief that you are referring to?

1 J. Nofi

2 A. By the way he talked and said the
3 things on it. That's how he talked at the
4 station and as we worked with him, same,
5 same, you know, when you talk to somebody
6 and hang out with them or work with him for
7 years, you know their slang and how they
8 talk. You can tell what they would say, and
9 blah, blah, blah.

10 Q. Any other basis for your
11 allegations of upon information and belief?

12 A. Yes. The other four guys in the
13 lawsuit with this agreed that it's him too.

14 Q. Other than that, how do you know
15 this was done by Tyrie Bacon?

16 A. Just what I just told you, I
17 explained to you.

18 Q. By your looking at the words that
19 were used and --

20 A. By the way it's stated.

21 Q. By looking at the words that were
22 used, and how they were said, you drew the
23 conclusion that it was Hesse who wrote it?

24 MR. GOODSTADT: Objection.

25 A. Either Hesse or Tyrie Bacon, it

1 J. Nofi

2 was ordered by Hesse.

3 Q. Does Bacon have a signature way
4 of speaking that you were able to identify
5 it on a blog?

6 A. Yes. The way he talked on the
7 blog, the way he talked about us all the
8 time, like that, especially me. The way
9 things were said on the blog, you know,
10 retard, stupid, asshole.

11 Q. Tyrie Bacon called you a retard?

12 A. George did many times and he
13 agreed.

14 MO MR. NOVIKOFF: I'm just talking
15 about the blog so I'm going to move to
16 strike.

17 Q. Did Tyrie Bacon call you a retard
18 on the blog?

19 A. I believe it was Tyrie Bacon,
20 yes, talking for Hesse, yes.

21 Q. How do you know Tyrie Bacon was
22 talking for Hesse?

23 A. Just by the way it was being
24 said.

25 Q. That's just your speculation that

1 J. Nofi

2 it was?

3 A. That's his friend.

4 Q. You are just speculating it was
5 Tyrie Bacon talking on behalf of Hesse,
6 correct?

7 A. Because --

8 Q. Yes or no, it's just speculation?

9 A. Yes.

10 Q. And Tyrie Bacon has never
11 acknowledged to you that he was the author
12 of any of these blogs, correct?

13 A. Never talked to him.

14 Q. And Hesse has never admitted to
15 you that he was the one that was writing on
16 these blogs, has he?

17 A. Do you think he would?

18 Q. I'm asking you, sir, has Hesse
19 ever admitted to you?

20 A. No.

21 Q. Has anyone advised you that Hesse
22 identified that it was him who was writing
23 on these blogs?

24 A. No.

25 Q. So you don't know who was writing

1 J. Nofi

2 on these blogs?

3 A. Speculation.

4 Q. That's what I thought, thank you.

5 A. Because he has favorites.

6 MO MR. NOVIKOFF: Motion to strike

7 that last part.

8 Q. Paragraph 114, last sentence, you
9 allege, nevertheless plaintiffs and their
10 families have been repeatedly confronted and
11 castigated by strangers who have assumed
12 that these baseless allegations against
13 plaintiffs are true. Do you see that?

14 A. Yes, I do.

15 Q. Were you confronted and
16 castigated by strangers, sir?

17 A. Absolutely. I work for the
18 county. I had people come up to me and ask
19 me all kinds of questions. I had people
20 call me from Arizona, people call me from
21 Florida.

22 MO MR. NOVIKOFF: Motion to strike
23 as not responsive.

24 Q. Sir, have you been confronted,
25 repeatedly confronted, and castigated by

1 J. Nofi

2 strangers, yes or no?

3 A. Yes.

4 Q. Do you know the identity of any
5 of the strangers that have confronted you
6 and castigated you?

7 A. Also my wife was too at her job.

8 Q. I'm asking you now, sir, we will
9 get to your wife in a few minutes, do you
10 know the name of any of these strangers?

11 A. No.

12 Q. On how many occasions have you
13 physically been confronted and or --

14 A. Actually I do know one name, yes,
15 sorry.

16 Q. Okay.

17 A. Excuse me, at work at Babylon
18 when I first started I was working and I was
19 called over to Mike Diggle, who is the
20 senior bay constable, and said to me how did
21 you get this job, who did you rat out in the
22 DA's office for your job.

23 Q. That was Mike?

24 A. Diggle, yes.

25 Q. And how did you respond?

1 J. Nofi

2 A. I said I didn't rat out anybody.

3 How did you think I'm going to respond?

4 Q. I don't know, I'm asking you the
5 question, sir.

6 A. And I answered it.

7 Q. Did you rat out anybody?

8 A. Did I rat out anybody? No, I
9 didn't rat anybody out. I just did what was
10 supposed to be done, the truth.

11 Q. Have you spoken to the DA?

12 A. Yes.

13 Q. Have you ever been part of a
14 wiretap?

15 A. No.

16 Q. Do you know of any of the
17 plaintiffs who have been part of a wiretap
18 at the instructions of the DA?

19 A. Never heard any wiretaps, never
20 seen any wiretaps, absolutely not.

21 Q. You have no knowledge as to
22 whether Mr. Lamm was part of a wiretap?

23 A. No.

24 Q. Do you know if Mr. Lamm ever tape
25 recorded any conversations he had with

1 J. Nofi

2 Mr. Hesse?

3 A. No. The only thing I know is
4 that I think, just what was said on the
5 blog, and I know they went to the DA's
6 office too. I'm not sure what they did but
7 I know they had a conversation with the DA's
8 office. I went to the DA's office by
9 myself.

10 MO MR. NOVIKOFF: Move to strike.

11 Q. My question to you, sir, is are
12 you aware as to whether Mr. Lamm has ever
13 tape recorded any phone conversations with
14 George Hesse after April 2, 2006?

15 A. Kevin Lamm?

16 Q. Yes.

17 A. No, absolutely not.

18 Q. Are you aware if any plaintiffs
19 have tape recorded phone conversations with
20 Mr. Hesse after April 2, 2006?

21 A. Not to my knowledge, no.

22 Q. Has anyone advised you other than
23 perhaps counsel, and I'm not suggesting that
24 counsel has advised you, putting aside any
25 communications you've had with counsel, has

1 J. Nofi

2 anyone ever advised you that after April 2,
3 2006 any of the plaintiffs have tape
4 recorded phone conversations with Mr. Hesse?

5 A. No, the only one --

6 Q. Yes or no, sir.

7 A. I think one of them I think
8 supposedly recorded, one time that I know
9 of.

10 Q. Who's one of them?

11 A. Do I have to say his name?

12 MR. GOODSTADT: Yes.

13 A. Ed Carter, but I never heard it.

14 Q. Who told you that Ed Carter had
15 tape recorded the conversation?

16 A. Ed Carter.

17 Q. What did Ed Carter say?

18 A. That's it, nothing else.

19 Q. You didn't inquire?

20 A. No.

21 Q. You didn't ask any --

22 A. No.

23 Q. Did you ask any of the details?

24 A. No.

25 Q. How did it come about that

1 J. Nofi

2 Mr. Carter told you that he was tape
3 recording a conversation with Mr. Hesse?

4 A. He just told me.

5 Q. Where?

6 A. I don't know. When we went to
7 some office up in Huntington or something
8 like that.

9 MR. GOODSTADT: Objection. This
10 is privileged, if I was present during
11 these discussions then.

12 THE WITNESS: No, you weren't,
13 you weren't present actually.

14 Q. And here's the ground rules for
15 those questions. If your attorney was
16 present --

17 A. I know, don't answer. He wasn't.

18 Q. Who was present when Mr. Carter
19 told you?

20 A. Just me and Carter.

21 Q. How did it come about that Carter
22 told you this?

23 A. He just told me I got something
24 good.

25 Q. And what did he say?

1 J. Nofi

2 A. I just told you what he said,
3 okay. He said that he taped something and
4 that was it. I didn't care what was on it,
5 I don't know what it is. I don't know what
6 was said. The only thing I care is about
7 how he destroyed my name and my life.

8 MO MR. NOVIKOFF: Motion to strike.

9 Q. You didn't ask Mr. Carter who he
10 was taping?

11 A. He said George.

12 Q. So he said that he had something
13 good and he was taping George?

14 A. Right.

15 Q. You didn't ask what George Hesse
16 said?

17 A. No.

18 Q. Did anyone advise you -- well, do
19 you have any knowledge as to whether or not
20 Mr. Lamm taped recorded any conversations
21 after April 2, 2006 with any Ocean Beach
22 employee?

23 A. No.

24 Q. Did anyone ever advise you that
25 Mr. Lamm undertook such a tape recording?

1 J. Nofi

2 MR. GOODSTADT: Objection.

3 A. No.

4 MR. GOODSTADT: Again, to the
5 extent that either myself or anyone
6 from my office advised you, that is
7 privileged.

8 A. No.

9 Q. Did anyone ever advise you that
10 any of the other plaintiffs had tape
11 recorded a conversation with an Ocean Beach
12 employee?

13 MR. GOODSTADT: Same
14 instruction.

15 A. The only thing I know, like I
16 said, when I talked to him that one time, it
17 was a five minute conversation, and just
18 that I heard that it was going around,
19 flying around, word of mouth, that the day
20 they let us go, that someone else there,
21 somebody supposedly told somebody what was
22 said after we left, some bad things were
23 said in that room.

24 Q. I'm talking about tape recording,
25 sir.

1 J. Nofi

2 A. Not that I know of.

3 Q. To your knowledge did anyone tape
4 recorded by Mr. Hesse --

5 A. No, just Carter.

6 Q. Excuse me, can you tell me to
7 your knowledge did anyone tape-record on
8 April 2, 2006 anything that Mr. Hesse said?

9 A. After April?

10 Q. No.

11 To your knowledge did anyone tape
12 record anything that Mr. Hesse said on April
13 2, 2006?

14 A. I have no idea.

15 Q. Did anyone ever advise you that a
16 tape-recording exists as to what Mr. Hesse
17 said on April 2, 2006?

18 A. Not that I know of, I can't
19 recollect.

20 Q. You can't recollect?

21 A. No, just talking to Carter, I
22 know that they did some taping, that was it.

23 Q. Who's they?

24 A. Carter.

25 Q. So when you say they, you mean

1 J. Nofi

2 Carter?

3 A. Carter, I don't know what other
4 guys were involved, I don't know.

5 Q. So you were confronted and
6 castigated by strangers. You've identified
7 one instance. Can you identify any others?

8 A. Yes, my wife got --

9 Q. No, you now, sir, you.

10 A. Yes, just working people saying I
11 can't believe what's going on because what
12 happened was --

13 Q. No, can you identify another
14 example.

15 A. I'm getting to it.

16 Q. Just tell me examples.

17 MR. GOODSTADT: But he's
18 answering your question.

19 A. I'm answering your question.

20 Q. I just want an example.

21 MR. GOODSTADT: And you are more
22 than welcome to move to strike, you are
23 asking for all of his examples.

24 MR. NOVIKOFF: Any other
25 example, okay. You're right, I will

1 J. Nofi

2 rephrase the question.

3 Q. Provide me another example where
4 you believe you were castigated and
5 confronted by a stranger?

6 A. Another example, sure, while
7 working.

8 Q. Okay.

9 A. While going out.

10 Q. Just stick with while you were
11 working. Give me an example of what
12 happened while you were working.

13 A. Just someone coming up and
14 saying, you know, talking to me about the
15 problem, what's going on, saying that, you
16 know, I can't believe that you ratted people
17 out. I said I didn't rat anybody out, and
18 they would say that on the blog they are
19 calling us rats. I said I had nothing to do
20 with that because I never went on any blog.
21 I didn't even know this was on the blog
22 until I was told I was on the blog.

23 Q. And this was a stranger at work?

24 A. Yes.

25 Q. What job?

1 J. Nofi

2 A. Suffolk County is pretty damn
3 big, a lot of people.

4 Q. Okay, any other examples that
5 Suffolk County that you were confronted and
6 castigated?

7 A. Just, you know, remarks, not
8 castigated, remarks.

9 Q. Well, I'm interested in what you
10 allege. You allege confronted and
11 castigated.

12 A. Well, that was from my wife, is
13 what I mean, my wife and me together.

14 Q. So what you really meant in this
15 allegation was there was an instance when
16 your wife and you were together that you
17 were confronted and castigated?

18 A. Yes. My wife was with me a
19 couple of times too and when I work people
20 saying things when I went -- what I do, I do
21 what's called job fairs, you know, health
22 department fairs. You go all over the place
23 and so, you know, you cover a lot of ground
24 in Suffolk County and different areas and I
25 had people come up to me and say to me, you

1 J. Nofi

2 know, and always bring up Ocean Beach,
3 because they thought I was one of the perps
4 that beat that guy up with the beating, but
5 I never worked that night but they had
6 different things that's what was going
7 around in the rumor, because when I got
8 called by the DA's office I was told that I
9 was working, which I was not.

10 MO MR. NOVIKOFF: Motion to strike.

11 Q. My question to you, sir, is when
12 you were confronted and castigated with your
13 wife, where did this take place?

14 A. I don't remember.

15 Q. What was said to you in your
16 wife's presence?

17 A. Just not nice things.

18 Q. That's what I'm asking you, sir,
19 what was said.

20 A. I just told you, not nice things.

21 Q. You can't recall specifically?

22 A. No, not nice things.

23 Q. And was your wife ever confronted
24 and castigated outside of your presence?

25 A. Yes.

1 J. Nofi

2 Q. When?

3 A. At her job.

4 Q. Where is her job?

5 A. Brookhaven Hospital.

6 Q. Who confronted and castigated

7 her?

8 A. A male and a female.

9 Q. What were their names?

10 A. I don't know their names, she

11 knows their names.

12 Q. What did they say?

13 A. He went up to her and said I
14 can't believe your husband was involved with
15 Ocean Beach. Was he one of the guys that
16 beat the guy, and is he going against the
17 guys at the job, whatever, something like
18 that. Then another girl that works there
19 was like, she's been there a pretty long
20 time, and she is a good worker, great worker
21 and smart woman, thank God she's smart, and
22 she was told by her that, you know, these
23 guys couldn't do that, you know, I can't
24 believe your husband is going against them,
25 that's ridiculous. George Hesse is not like

1 J. Nofi

2 that, because I worked there, she used to be
3 a cop there by the way.

4 Q. The person who confronted your
5 wife?

6 A. Yes, one of the persons. The
7 other person was friends with the Pisettis.

8 Q. When did the DA approach you
9 concerning anything involving Ocean Beach?

10 A. They came to my house, asked me
11 questions about the Gilbert beating.

12 Q. Okay, and have you ever met with
13 the DA himself?

14 A. What do you mean the DA himself,
15 Spoda?

16 Q. Yes.

17 A. No.

18 Q. How many occasions have you met
19 with the district attorney's office
20 concerning --

21 A. After that incident, twice maybe.

22 Q. And when was the first time?

23 A. I don't know. I just remember
24 after that beating they came to my house and
25 asked me questions because they thought I

1 J. Nofi

2 was working that night and I told them I
3 wasn't.

4 Q. That was prior to you filing this
5 complaint, correct?

6 A. Yes, I was still working.

7 Q. Okay, after you stopped working
8 at Ocean Beach, have you had any
9 communications with the DA?

10 A. Yes.

11 Q. How many?

12 A. Twice, three times.

13 Q. So how many communications with
14 the DA did you have prior to your last day
15 of employment with Ocean Beach?

16 A. Before I got let go?

17 Q. Before your last day of
18 employment, yes.

19 A. Just that one time.

20 Q. Okay, and they came to your
21 house?

22 A. Yes, they did.

23 Q. Did they ask you questions?

24 A. A female and male, yes.

25 Q. And did you advise Chief Paradiso

1 J. Nofi

2 at the time you were approached by the DA?

3 A. No, it was at night time.

4 Q. Well, the sun came up the next
5 day, correct?

6 A. Yes, I advised even George, he
7 was kind of nervous.

8 Q. My question to you, sir --

9 MO MR. NOVIKOFF: And I move to
10 strike the testimony about what
11 Mr. Hesse's reaction was.

12 Q. Sir, you were approached by
13 people from the district attorney's office
14 at some point in time during the night after
15 the alleged Gilbert incident, correct?

16 A. Yes.

17 Q. Did you advise Chief Paradiso
18 after your meeting with the DA that they had
19 come to your house?

20 A. Oh, yeah, I let them know.

21 Q. Not them, Mr. Paradiso, did you
22 advise Mr. Paradiso?

23 A. I believe I let him know, yes,
24 and George also.

25 Q. My question is only Mr. Paradiso.

1 J. Nofi

2 A. Okay, yes, I believe I did.

3 Q. When did you advise Mr. Paradiso?

4 A. I don't know, maybe next day when
5 I seen him again.

6 Q. Okay, and when did you advise
7 Mr. Hesse, if at all?

8 A. When I seen him again.

9 Q. And what did you tell Mr. Hesse?

10 A. Just that the DA came to my house
11 asking questions about the Gilbert case.

12 Q. And what did you advise
13 Mr. Paradiso?

14 A. When I seen him again.

15 Q. And what did you advise him?

16 A. Same thing.

17 Q. Did you advise the mayor at the
18 time?

19 A. No.

20 Q. Did you advise any board members?

21 A. No.

22 Q. Did you ask for any legal
23 representation from the village at that
24 time?

25 A. No, because I wasn't there.

1 J. Nofi

2 Q. When you say you weren't there,
3 you were not present?

4 A. I was off duty at 1:30. It
5 happened at 3:30, supposedly 4:00, that's
6 what they told me, so I wasn't there.

7 Q. So, after your last day of
8 employment you say you met with the district
9 attorney's office two or three times,
10 correct?

11 A. Yes.

12 Q. For what purpose?

13 A. 15 minutes, 20 minutes, they
14 wanted to ask me questions.

15 Q. About what?

16 A. About the Halloween incident,
17 which I wasn't there either so I couldn't
18 tell them anything about that either.

19 Q. So let's on at Halloween
20 incident, let's get this right on the table.

21 With regard to the allegations in
22 the complaint concerning the Halloween
23 incident, you have no first-hand knowledge
24 about anything concerning that event because
25 you weren't there?

1 J. Nofi

2 A. The Halloween incident?

3 MR. GOODSTADT: Objection, if he
4 can read the paragraphs.

5 MR. NOVIKOFF: What's that?

6 MR. GOODSTADT: Objection, if he
7 can read these paragraphs.

8 THE WITNESS: I can tell him.

9 Q. I think it's --

10 A. The only knowledge I have of that
11 was after the fact that happened on
12 Halloween night was that I know that Pisetti
13 was fired the day after by Chief Paradiso.

14 Q. But that's because what someone
15 told you?

16 A. It's not from what someone told
17 me, it's fact, he got fired by the chief.

18 Q. Were you there when the chief
19 fired him?

20 A. No, I was told, he got fired by
21 the chief.

22 Q. Thank you, Mr. Nofi.

23 My question, sir, with regard to
24 the Halloween incident that is alleged in
25 this complaint -- well, let me take a step

1 J. Nofi

2 back.

3 You are aware that in your
4 complaint there are certain allegations
5 about the Halloween incident?

6 A. Can I tell you now?

7 Q. No, sir, are you aware that
8 within your complaint that you filed in this
9 case there are allegations concerning what
10 is referred to as the Halloween incident?

11 A. Yes.

12 Q. And you just testified that you
13 were not present --

14 A. Yes.

15 Q. -- during the Halloween incident,
16 correct?

17 A. Yes.

18 Q. So would it be fair to say, sir,
19 that, concerning the allegations that are
20 set forth in this complaint, you have no
21 first-hand personal knowledge of any of the
22 allegations?

23 MR. GOODSTADT: Objection.

24 Before he answers the question, why
25 doesn't he read the paragraphs. You've

1 J. Nofi

2 established he wasn't there, but when you
3 say the allegations, he needs to review
4 it.

5 Q. Sure, take a look at it, review
6 it.

7 A. What page is it?

8 Q. Let's see, I'll tell you in a
9 second. Let's look at page 16, page 63,
10 through --

11 A. Page 63?

12 MR. GOODSTADT: Page 16,
13 paragraph 63.

14 THE WITNESS: Oh, page 16, I was
15 going to say we don't have any 63.

16 Q. Well, the Halloween incident
17 allegations is between page 16 and page 21.
18 So, my question to you, sir, is were you
19 present at the Halloween incident?

20 A. That night --

21 MR. GOODSTADT: That is not the
22 question that was pending.

23 MR. NOVIKOFF: I know, so I'm
24 withdrawing that question.

25 Q. Were you present during the

1 J. Nofi

2 Halloween incident?

3 A. At night, no.

4 Q. Were you involved in any of the
5 investigation of the Halloween incident?

6 A. Yes.

7 Q. What was the nature of your
8 involvement in the investigation of the
9 Halloween incident?

10 A. I was at the village court when
11 they brought in VanCoot, he was one of the
12 subjects --

13 Q. Other than that --

14 A. -- that got beaten.

15 Q. Other than that were you --

16 MO MR. NOVIKOFF: Motion to strike
17 as not responsive.

18 MR. GOODSTADT: You asked him
19 his involvement, he's telling you his
20 involvement.

21 MR. NOVIKOFF: He told me, and
22 he then went on.

23 MR. GOODSTADT: You didn't like
24 the way he answered the question.

25 MR. NOVIKOFF: No, not at all.

1 J. Nofi

2 A. You can't tell the truth here,
3 it's like ridiculous. You stop me every
4 time I say something.

5 Q. Other than your appearance in the
6 court that day, what other involvement, if
7 any, did you have with the Halloween
8 incident?

9 A. Before the court date?

10 Q. No.

11 A. Yes, before the court date,
12 that's what you just asked me.

13 Q. Sir, other than your presence in
14 court when they brought VanCoot in, what
15 other involvement, if any, did you have in
16 the investigation of the Halloween incident?

17 A. Well, as a public servant and as
18 a police officer there, okay, and a good
19 police officer, I was told, you know, what
20 happened from another police officer, you
21 know, just told me a little bit what
22 happened, because we all work together and I
23 was in there, but the week after, whatever
24 it was, two weeks afterwards, when the court
25 came up, I was there when VanCoot was there,

1 J. Nofi

2 and I was talking to the kid because he was
3 a young kid and he was hysterical crying and
4 I just said relax, you know, whatever it is,
5 tell the truth in the court, and I was in
6 the back by the chambers and Gary Pisetti
7 was there with George Hesse, and they said
8 that fucking guy is going to be fucking
9 dead. He's never getting a job as a New
10 York City police officer because he has to
11 come fucking through me and I'm the king and
12 he ain't going nowhere with his life, and I
13 just looked at him and walked away because I
14 couldn't believe what he said.

15 MO MR. NOVIKOFF: Motion to strike
16 as not responsive.

17 Q. Sir, I'm asking you the question,
18 you say you weren't present?

19 A. The night of the Halloween
20 incident?

21 Q. Excuse me, I'm asking the
22 question.

23 A. Okay.

24 Q. You say you weren't present on
25 the night of the alleged Halloween incident,

1 J. Nofi

2 correct?

3 A. Yes, I am.

4 Q. Were you part of any
5 investigation into the events surrounding
6 the alleged Halloween incident?

7 A. No.

8 Q. You were in court one day when
9 VanCoot came in, correct?

10 A. Yes.

11 Q. That was not part of the
12 investigation of the Halloween incident, was
13 it?

14 A. No. I guess you could say it is
15 in a way.

16 Q. Did someone tell you to be there
17 specifically in reference to the Halloween
18 incident?

19 A. For court?

20 Q. Yes.

21 A. I was told to go to court, yes.

22 Q. Because of the Halloween
23 incident?

24 A. No, but it was for the Halloween
25 incident though.

1 J. Nofi

2 Q. Oh, it was for the Halloween
3 incident?

4 A. It wasn't the Halloween incident,
5 but I was told to go there because it was a
6 Halloween incident, you know, from before
7 but --

8 Q. And you believed that was an
9 investigation, you being told to be present?

10 A. No. It was just being there,
11 doing my job as, you know, almost court
12 officer.

13 Q. So you weren't present and you
14 didn't investigate, right?

15 A. Right.

16 Q. So any knowledge that you know of
17 of the Halloween incident would be based
18 upon what someone would have told you,
19 correct?

20 MR. GOODSTADT: Objection.

21 Q. Or what you would have read in
22 the papers or read in a document, correct?

23 MR. GOODSTADT: Objection.

24 A. Yes, from what, you know,
25 everybody works together, you know, and

1 J. Nofi

2 talks.

3 Q. That's what I thought. So you
4 have no first-hand knowledge as to either
5 the investigation of the Halloween incident
6 or the incident itself, isn't that true?

7 A. Just from what I heard from the
8 subject and from people I worked with.

9 Q. Good, that's what I thought.

10 A. It's perfect.

11 Q. Sir, do you recall filing a
12 lawsuit against Meenan Oil?

13 A. No, I resigned to become a cop.

14 Q. Sir, do you recall ever filing a
15 lawsuit against Meenan Oil?

16 A. To get compensated for my pension
17 fund, yes.

18 Q. Sir, do you recall filing a
19 lawsuit against Meenan Oil?

20 A. Yes.

21 Q. And was that settled?

22 A. Yes.

23 Q. Did you receive any monetary --

24 A. Really nothing compared to what I
25 should have got.

1 J. Nofi

2 Q. That's not my question.

3 Did you receive any monetary

4 recovery?

5 A. Yes.

6 Q. What did you receive?

7 A. I don't remember, 50,000, 60,000,

8 I don't even know.

9 Q. Is there a document that reflects
10 what you would have received from them?

11 A. If I find it, if I have it, yes.

12 RQ MR. NOVIKOFF: I call for the
13 production of that.

14 MR. GOODSTADT: We'll take that
15 under advisement.

16 Q. You make reference in here to
17 your devote Christian beliefs. Do you see
18 that?

19 A. Yes.

20 Q. When did you first form these
21 devote Christian beliefs?

22 MR. GOODSTADT: Objection.

23 You're asking him something that is
24 completely irrelevant to this lawsuit.

25 MR. NOVIKOFF: Well, it's stated

1 J. Nofi

2 in the complaint.

3 MR. GOODSTADT: Not in this

4 lawsuit.

5 Q. When did you first form this

6 belief --

7 DI MR. GOODSTADT: Okay, I'm going

8 to instruct you not to answer.

9 MR. NOVIKOFF: Based upon

10 relevancy?

11 MR. GOODSTADT: Based on

12 harassment, asking about his religious

13 beliefs.

14 MR. NOVIKOFF: He makes the

15 reference.

16 MR. GOODSTADT: Not in this case

17 he doesn't. Show me what paragraph in

18 the current complaint --

19 MR. NOVIKOFF: Okay, we will

20 move on.

21 Q. Let's talk about Alison Sanchez.

22 A. Chester.

23 Q. Sir, the caption says Alison

24 Sanchez, do you see that?

25 A. Well, when I talked to her, it

1 J. Nofi

2 was Alison Chester.

3 Q. Let's talk about Alison Sanchez.

4 A. Okay.

5 Q. Let's go to page 23, paragraph
6 99.

7 A. 99?

8 Q. Yes.

9 A. Okay.

10 Q. You allege within days of their
11 termination Officers Fiorillo, Nofi and Lamm
12 met with Alison Sanchez, the Suffolk County
13 civil service official responsible for
14 overseeing service compliance in Ocean
15 Beach. Do you see that?

16 A. Yes.

17 Q. How did you know at that time
18 that she was the civil service person
19 responsible for overseeing civil service
20 compliance?

21 A. Frank told us that he made a
22 phone call, whatever, he knew, Frank knew
23 she was the head of the Ocean Beach civil
24 service.

25 Q. You didn't know, Frank told you?

1 J. Nofi

2 A. Yeah, we knew when we went there.

3 Q. That's all I'm asking, how did

4 you know, Frank told you?

5 A. Yes.

6 Q. Upon information and belief

7 Sanchez was responsible for appointing and

8 approving the hiring of the uncertified

9 officers at the OBPD, do you see that?

10 A. Yes.

11 Q. How did you know that? Was it

12 from you or from what someone told you?

13 A. We knew by word of mouth, by

14 going around. They were all nervous, asking

15 questions all the time.

16 Q. Sir, the allegation is about

17 Sanchez being responsible. I know you want

18 to get in what you want to say. My question

19 to you is this, how did you know that

20 Sanchez was responsible for appointing and

21 approving the hiring of the uncertified

22 offices at the OBPD, as you allege?

23 A. I think it was on the blog,

24 someone was saying something about it. Also

25 on the blog, and also that she just knew, I

1 J. Nofi

2 don't know, because they didn't have
3 certificates. They didn't have no
4 psychologicals, how could you not know?
5 They didn't go through any of the programs
6 that we went through. That's how.

7 MO MR. NOVIKOFF: Move to strike.

8 Q. Sir, the allegation here is
9 Sanchez was responsible. Here's my
10 question, how did you know that Sanchez was
11 responsible?

12 A. I just told you, because we knew
13 that they weren't certified, so how can she
14 not know. She's head of civil service.

15 Q. She was head of civil service?

16 A. Yes, for that department, for
17 Ocean Beach.

18 Q. So it was your speculation she
19 must have known?

20 A. Absolutely.

21 Q. That she must have know?

22 A. They didn't go through anything
23 we went through and we knew it, and how did
24 we know, they told us.

25 Q. I'm only concerned about Sanchez

1 J. Nofi

2 being responsible.

3 A. I just told you.

4 Q. So it was your speculation based
5 upon Sanchez' position with civil service
6 that to the extent uncertified officers were
7 hired that were not certified she had to
8 have known?

9 A. Uh-huh.

10 MR. GOODSTADT: Objection.

11 Q. When did you --

12 MR. NOVIKOFF: Well, withdrawn.

13 Q. To your knowledge did there come
14 a point in time while you were employed by
15 Ocean Beach that Ocean Beach stopped hiring
16 uncertified officers?

17 A. Say that again?

18 Q. Did there come a point in time
19 when you were working for Ocean Beach that
20 Ocean Beach stopped the practice that you've
21 alleged of hiring uncertified officers?

22 A. Did I know when they weren't
23 hiring uncertified officers?

24 Q. No, sir, let's break it down.

25 A. Go ahead, break it down.

1 J. Nofi

2 Q. You make an allegation here that
3 Ocean Beach was hiring --

4 A. But --

5 Q. '99, we haven't moved off '99,
6 you see that '99?

7 A. Uh-huh.

8 Q. You make an allegation that
9 Sanchez was responsible for appointing and
10 approving the hiring of uncertified
11 officers. Do you see that?

12 A. Yes.

13 Q. Did there come a point in time
14 while you were working for Ocean Beach that
15 you learned that the village stopped the
16 practice of hiring uncertified officers?

17 A. No, I don't remember, I don't
18 know.

19 Q. You don't know?

20 A. No.

21 Q. Did you ever investigate that?

22 A. Just when we went to civil
23 service.

24 Q. No, did you ever investigate
25 while you were employed as to whether the

1 J. Nofi

2 village had stopped the practice of hiring
3 uncertified officers?

4 A. Oh, just hearsay. We knew they
5 weren't going to do it anymore because we
6 made complaints about it. So I'm sure they
7 stopped it as soon as we started making
8 complaints.

9 Q. Okay, so you believe based upon
10 hearsay --

11 A. Not hearsay, the guy John Dyer,
12 who used to work there as a police officer,
13 which he no longer does, he told us that his
14 friend that was a state park police guy, and
15 they got rid of all of them, he went to a
16 job for East Hampton town and he wasn't
17 certified. He had to go through everything
18 again, and the guy told him that East
19 Hampton town supposedly told him Ocean Beach
20 hires people without going through anything
21 so something like that. Just hearsay, I
22 just heard.

23 Q. My question to you, sir, that you
24 answered, was did there come a time that you
25 learned that Ocean Beach stopped the

1 J. Nofi

2 practice of hiring uncertified officers?

3 A. I don't know. Did they stop? I
4 don't know.

5 Q. That's what I'm asking you. You
6 tell me, I don't know. Did they stop?

7 A. I don't know, you tell me, I
8 don't know.

9 Q. So you don't know?

10 A. No.

11 MR. GOODSTADT: Objection. He
12 just told you four times.

13 MR. NOVIKOFF: I don't
14 understand half the things he's saying
15 but that's okay.

16 Q. Let's move onto paragraph 11.

17 MO MR. GOODSTADT: Objection, move
18 to strike that.

19 Q. Were you concerned at all when
20 you -- well, prior to you going to Miss
21 Sanchez did you know of any relationship
22 that she was having with Mr. Hesse?

23 A. No, I didn't know. It's just
24 hearsay.

25 Q. When you say hearsay what do you

1 J. Nofi

2 mean?

3 A. People talk.

4 Q. Well, did anyone tell you prior
5 to your visit to Miss Sanchez that Mr. Hesse
6 and Miss Sanchez were having a relationship?

7 A. I just answered you, hearsay.

8 Q. Sir, my question to you is what
9 were you advised as to the relationship
10 between Mr. Hesse and Miss Sanchez?

11 A. George stated that he -- do you
12 want me to say it -- that he banged her.

13 Q. That's all I'm asking you.

14 A. I didn't want to say it in front
15 of the women. I mean, you asked me, I will
16 tell you.

17 Q. Well, you talk about Mr. Hesse
18 talking about his German sausage in this
19 complaint, don't you?

20 A. That wasn't me saying that.

21 Q. This is your complaint, sir.

22 A. It doesn't matter, I didn't say
23 that statement though.

24 Q. So Mr. Hesse told you he was
25 having a sexual relationship with Miss

1 J. Nofi

2 Sanchez?

3 A. That's not what I said.

4 Q. What did you say?

5 A. I just said what I said, that he
6 banged her, okay.

7 Q. What do you mean by banged?

8 MR. GOODSTADT: Answer the
9 question.

10 Q. What do you mean by banged?

11 A. Having sex, I would imagine.

12 Q. So when I say sexual
13 relationship, that doesn't mean the same to
14 you as having sex?

15 A. I don't know. To me, no, not the
16 way he said it, it was pretty disgusting, I
17 don't know.

18 Q. Sexual relationship was
19 disgusting?

20 A. No, the way he said it was
21 disgusting.

22 Q. Banged?

23 A. Banged.

24 Q. So I tried to clean it up. So my
25 question so we're clear, according to you

1 J. Nofi

2 Mr. Hesse advised you that he was having a
3 sexual --

4 A. He didn't come to me and say it,
5 he just said it and I heard him say it.

6 Q. Fine, then you heard Mr. Hesse
7 say that he was having a sexual relationship
8 with Miss Sanchez?

9 A. Yes.

10 Q. How long prior to your meeting
11 did Mr. Hesse tell you this or say this in
12 your presence?

13 A. I don't know.

14 Q. Months?

15 A. I have no idea.

16 Q. Years?

17 A. I don't know.

18 Q. Okay, now, how long was this
19 meeting with Miss Sanchez?

20 A. Maybe 20 minutes to 30 minutes,
21 could be a little bit longer.

22 Q. Who decided to go see Miss
23 Sanchez?

24 A. All three of us.

25 Q. Why not the other two plaintiffs

1 J. Nofi

2 in this case?

3 A. Because Ed Carter already made an
4 appointment but he couldn't come to that.

5 Q. And how about the other
6 plaintiff?

7 A. Tommy Snyder, I don't know he
8 even knew he was gone yet.

9 Q. And did you schedule an
10 appointment with Miss Sanchez?

11 A. Yes.

12 Q. Did she agree to meet with you?

13 A. Yes, we went.

14 Q. Was this within the week of April
15 2nd?

16 A. I would say April 2nd.

17 MR. GOODSTADT: Just let him
18 finish the question.

19 Q. Was it within a week of April
20 2nd?

21 A. Yes, I believe so.

22 Q. And what was said at the time?

23 A. Well, we asked what our rights
24 were and stuff like that, and she said that
25 she already knew, that she expected us

1 J. Nofi

2 coming, and we were like, you know, we
3 couldn't understand that she knew that we
4 were going to come.

5 Q. You said you scheduled a meeting
6 with her?

7 A. Right, but she knew we were
8 coming before that. I didn't schedule a
9 meeting with her.

10 Q. What did she say to you that led
11 you to believe that she knew that you were
12 coming to meet with her prior to you
13 scheduling a meeting with her?

14 A. Just by the things she said.

15 Q. What did she say?

16 A. I don't remember. It was a long
17 time ago but it was things that, she just
18 stated she knew we were coming.

19 Q. That's all you can recall her
20 saying?

21 A. Yes, and also that I explained to
22 her I worked for Suffolk County just like
23 her, and we got the same boss, Steve Levy,
24 and I didn't want this to go or leave this
25 office. She told me by law it has to stay

1 J. Nofi

2 here because of confidentiality, and I found
3 out it was all over the blog. That we came
4 and it was all over the blog, that she
5 talked to George about it on the blog,
6 stating that the three rats, the three
7 mutts, came with their heads between legs.

8 MO MR. NOVIKOFF: Motion to strike
9 as not responsive.

10 Q. I'm talking about the meeting
11 now, sir. An appointment was scheduled with
12 Miss Sanchez, correct?

13 A. I believe Frank scheduled us to
14 go, yes.

15 Q. How many days after April 2nd was
16 this meeting scheduled, did Frank schedule
17 this meeting?

18 A. How many days after?

19 Q. Was it the day after, the same
20 day, a couple of days?

21 A. I don't know, a week maybe, a
22 couple of days, next day, I don't know, it
23 was quick.

24 Q. Miss Sanchez told you that
25 everything that was going to be in this

1 J. Nofi

2 meeting was to be confidential, correct?

3 A. Yes. I asked her please because
4 I work right in front of the building across
5 the street from her.

6 Q. And what evidence do you have
7 that suggests that Miss Sanchez disclosed
8 anything that took place in that meeting?

9 A. Oh, Ed Carter told me that George
10 told him that he talked to Alison Sanchez
11 about the meeting we had.

12 Q. So your evidence that you know of
13 is that Ed Carter said that George said that
14 Alison told --

15 A. Yes.

16 Q. -- George about your meeting?

17 A. Something like that.

18 Q. Well, what did you say to Miss
19 Sanchez during this meeting that you wanted
20 to keep confidential?

21 A. Everything we talked about.

22 Q. What did you talk about?

23 A. I said I don't want it getting
24 out because I work for the county. I don't
25 want nobody, you know, knowing that I'm

1 J. Nofi

2 going to be suing and I got let go. I
3 didn't want nobody to know because, you
4 know, you don't want nobody to know your
5 business. I do work for a big county job
6 and I didn't want anybody to know what was
7 going on, my business, and she told me
8 definitely it would be confidential.

9 Q. You didn't want -- you were
10 telling Miss Sanchez that you didn't want
11 her to tell anyone about the meeting because
12 you were going to sue the village?

13 A. No. I just said I didn't want
14 nobody to know that we came here, stating
15 anything I said because I work for the
16 county, I don't want it getting out.

17 Q. Well, that's my questions. I
18 understand what instructions you gave Miss
19 Sanchez. My question to you is, what did
20 you say to Miss Sanchez during that meeting
21 that you didn't want to get out?

22 A. We asked her what our rights
23 were.

24 Q. Rights concerning what?

25 A. About getting our job back or how

1 J. Nofi

2 did we fight back, is it legal, all that
3 kind of stuff.

4 Q. What did Miss Sanchez tell you?

5 A. We had no rights.

6 Q. Is that what she said?

7 A. Yes.

8 Q. You had no rights?

9 A. No rights.

10 Q. And did she give you a reason why
11 you have no rights?

12 A. Not really. Frank and Kevin were
13 asking more questions.

14 Q. Did Frank and Kevin ask Miss
15 Sanchez why she believed you had no rights?

16 A. No. I was in pretty shock, I
17 wasn't paying attention. I was in shock
18 when she told me I had no rights.

19 Q. So you weren't paying attention
20 to what Miss Sanchez was saying in this
21 meeting?

22 A. Not everything, no.

23 Q. What do you recall?

24 A. I don't remember, it was a long
25 time ago.

1 J. Nofi

2 Q. What were you paying attention
3 to?

4 A. Just listening to what she was
5 saying but I don't remember.

6 Q. But you were in shock?

7 A. Yes.

8 Q. So you don't remember what she
9 said?

10 A. Yes, a couple of things. I just
11 told you.

12 Q. So the only things you told me
13 were the only things that you remembered?

14 A. I told her I wanted to remain
15 confidentiality.

16 Q. And that's the only thing you
17 recall about the conversation?

18 A. No. I asked her that I have been
19 there for a certain amount of years, and I
20 said how could they fire me because we
21 didn't do anything wrong. I was a good cop,
22 is it possible that they are allowed to do
23 this and questions like that. She just kept
24 saying yeah, yeah, yeah.

25 Q. Okay, so you do recall what she

1 J. Nofi

2 was saying?

3 A. Yes.

4 Q. So you were paying attention?

5 A. Yes.

6 Q. Okay, I just wanted to make sure
7 of what your testimony is.

8 A. Yes.

9 Q. So you remember paying attention
10 too Miss Sanchez. Why did Miss Sanchez tell
11 you that you had no rights?

12 MR. GOODSTADT: Objection.

13 A. I don't know.

14 Q. And Fiorillo and Lamm asked her?

15 A. My honest opinion?

16 Q. I just care what Miss Sanchez
17 said, not your opinion.

18 MR. GOODSTADT: You asked him
19 why.

20 Q. Did Miss Sanchez explain to you
21 why she believed you had no --

22 MR. NOVIKOFF: Then I'll
23 rephrase the question.

24 Q. Did Miss Sanchez explain to you
25 why she said you had no rights?

1 J. Nofi

2 A. Okay, now, my answer, what I
3 believe, is that what you're asking me?

4 MO MR. NOVIKOFF: Motion to strike,
5 no, sir.

6 Q. The question is, did Miss Sanchez
7 advise you, Lamm and Fiorillo, why she
8 believed you all had no rights?

9 A. Yes, because she's George's
10 friend, that's why.

11 Q. Oh, she said that, she said you
12 have no rights because I'm George's friend?

13 A. No, but we found out down the
14 road.

15 MO MR. NOVIKOFF: Motion to strike
16 as not responsive.

17 Q. Sir, I know you want to get all
18 this out and I appreciate it, but did Miss
19 Sanchez advise you during this meeting why
20 she believed that you had no rights?

21 A. Did she explain to me why I had
22 no rights?

23 Q. You or Lamm or Fiorillo.

24 A. I believe she did but I didn't
25 understand. You would have to ask Frank and

1 J. Nofi

2 Kevin, they would understand better.

3 Q. And why didn't you understand

4 her?

5 A. Because I just -- I guess I

6 didn't understand what she was saying.

7 Q. Did you graduate high school?

8 A. Yeah, I got my diploma back in

9 college. Are you trying to make fun of me

10 saying I'm stupid because I didn't know?

11 Q. Were there any words that she

12 said that you didn't understand?

13 A. Yes.

14 Q. Okay, did you ask her to explain

15 it?

16 A. Not really because she was

17 talking to Frank and Kevin after that point.

18 Q. And in relation to the meeting

19 with Miss Sanchez, when did you retain

20 Mr. Goodstadt?

21 A. After that?

22 Q. Yes, in relation to that meeting,

23 was it a few weeks later?

24 A. I guess, you have the dates, was

25 it 2007, I believe?

1 J. Nofi

2 Q. Sir, I'm asking you.

3 A. I believe a couple of months, a
4 year after that, I don't remember, 2007.

5 Q. Sir, do you recall filing a
6 notice of claim in this lawsuit?

7 A. Yes.

8 Q. And were you being represented by
9 Mr. Goodstadt at that time?

10 A. Yes.

11 Q. And if I told you that you filed
12 this notice of claim -- I'm sorry, that it
13 was dated --

14 A. 2007.

15 Q. Sir, if I told you that your
16 notice of claim was dated June 30, 2006 --

17 A. 2006, okay.

18 Q. -- would that be accurate?

19 A. If that's what it says, yes.

20 Q. And do you know how long prior to
21 June 30, 2006 you had retained
22 Mr. Goodstadt?

23 A. No.

24 Q. You make an allegation -- is the
25 answer no when you shook your head?

1 J. Nofi

2 A. I didn't get the question.

3 Q. All right, well, the notice of
4 claim is dated June 30, 2006, do you see
5 that?

6 A. Right.

7 Q. And, according to the third page
8 of the notice of claim, which was marked at
9 your 50h deposition as Exhibit A, it was
10 signed by someone at the Thompson, Wigdor
11 and Gilly, LLP law firm, correct?

12 A. Uh-huh.

13 Q. And underneath the signature line
14 it's Scott P. Gilly, Douglas H. Wigdor,
15 Kenneth P. Thompson and Andrew S. Goodstadt.
16 Would you agree with me that those four
17 names appear?

18 A. Yes.

19 Q. Okay, and my question to you,
20 sir, is given the fact that this is dated
21 June 30, 2006, and purportedly signed by
22 your attorneys, one of whom is sitting here
23 today, in relation to June 30, 2006 when did
24 you retain Mr. Goodstadt's law firm?

25 A. Isn't that the date right there?

1 J. Nofi

2 You just told me, June 6, 2006, you just
3 said.

4 Q. No, sir, that's when the notice
5 of claim was signed purportedly by your
6 attorneys.

7 A. I would say before that date
8 then.

9 Q. That's my question, how long
10 before that day?

11 A. I don't know.

12 Q. Weeks?

13 A. I don't know.

14 Q. Did you have meetings with
15 Mr. Goodstadt in his office prior to the
16 notice of claim?

17 MR. GOODSTADT: Objection.

18 A. I don't know.

19 MR. GOODSTADT: Don't answer it.

20 Q. And, sir, you've alleged in
21 paragraph 103 the following: Upon
22 information and belief Sanchez knew that her
23 statements to plaintiffs were false, that
24 plaintiffs reasonably believed her
25 statements to be true, and that plaintiffs

1 J. Nofi

2 likely would act in reasonable reliance of
3 her statements. Do you see where I'm
4 reading?

5 A. Yes.

6 Q. You then allege, moreover,
7 Sanchez made these false statement with an
8 intent to deceive plaintiffs and prevent
9 them from seeking legal recourse in
10 connection with their termination.

11 A. Now I remember, thank you.

12 Q. You remember what?

13 A. You just refreshed my memory.
14 She told me we couldn't even get counsel
15 because we had no rights, and then we took
16 it upon ourselves to get counsel.

17 Q. And did you ask counsel what
18 those rights were?

19 MR. GOODSTADT: Objection.

20 MR. NOVIKOFF: See, here's where
21 I will take it to the Judge, Andrew,
22 not today, and if you want to take it
23 outside, I think it's best not to have
24 your client here when we discuss this
25 issue. If so, if you can, just excuse

1 J. Nofi

2 him for two minutes so we can discuss
3 it outside his presence.

4 MR. GOODSTADT: Right now?

5 MR. NOVIKOFF: Yes, right now.

6 THE VIDEOGRAPHER: Off the
7 record?

8 MR. NOVIKOFF: No, we're going
9 to stay on. You and I are going to
10 stay on the record but if your witness
11 can leave just for two minutes.

12 (Whereas the witness was
13 excused.)

14 MR. NOVIKOFF: You are alleging,
15 not you but your clients are alleging a
16 civil service conspiracy involving the
17 civil service department, Hesse and my
18 clients.

19 MR. GOODSTADT: Correct.

20 MR. NOVIKOFF: You've made
21 allegations here about reasonable
22 reliance. My understanding of the law,
23 and someone can correct me, is that you
24 had, your clients had four months to
25 file an Article 78 petition challenging

1 J. Nofi

2 the decision, seeking a name clearing
3 hearing or due process type hearing.
4 The notice of claim is within that four
5 month period. For them to have made
6 these allegations brings into play the
7 reasonability of their reliance and the
8 civil conspiracy issues.

9 So, what you may have said to
10 them is relevant, and I do believe that
11 you can't, not you but your clients
12 can't fall behind the privilege claim
13 unless they want to withdraw those
14 claims because in my opinion, and again
15 I'm going to fight this out today,
16 we'll bring it up with the Judge, you
17 can't allege reasonable reliance and
18 you can't allege a civil conspiracy
19 claim and seek damages for that based
20 upon what Sanchez may or may not have
21 said, when you were retained prior to
22 that four month period.

23 MR. GOODSTADT: We'll take it up
24 with the Judge.

25 MR. NOVIKOFF: Okay, sure.

1 J. Nofi

2 MR. GOODSTADT: And I disagree
3 with what you are saying but we will
4 take it up with the Judge.

5 MR. NOVIKOFF: Okay.

6 MS. ZWILLING: Before your
7 client returns, would you object to my
8 moving to the other side of the table
9 just because it's freezing in here?

10 MR. GOODSTADT: No, I don't.

11 MS. ZWILLING: I won't look over
12 your shoulder or read any notes.

13 MR. NOVIKOFF: Why don't we
14 finish the tape and then move onto
15 lunch.

16 (Whereas the witness entered the
17 hearing room.)

18 Q. Sir, let's look at paragraph --

19 A. Excuse me, hold on.

20 Q. Sure.

21 A. Go ahead.

22 Q. Let's look at paragraph 104 on
23 page 24. You write, when Officers Fiorillo,
24 Nofi and Lamm left Sanchez' office, Sanchez
25 immediately called Hesse and notified him of

1 J. Nofi

2 the substance of her conversation with
3 plaintiffs, in flagrant disregard of keeping
4 plaintiffs conversation confidential. Do
5 you see that?

6 A. Yes.

7 Q. What is the evidence that you
8 rely upon that Sanchez immediately called
9 Hesse?

10 A. The blog was one of them, okay,
11 and I believe what Ed Carter said.

12 Q. That George Hesse told him that
13 Sanchez had called?

14 A. Not that he told me, that he had
15 a conversation, that George had a
16 conversation with Alison Chester.

17 Q. Now, you then go on or plaintiffs
18 then go on to allege, it is not surprising
19 that Sanchez breached her promise to
20 Officers Fiorillo, Nofi and Lamm, as Hesse
21 had bragged to Officer Carter about having a
22 sexual relationship in the past. Do you see
23 that?

24 A. Yes.

25 Q. Were you aware of Hesse's

1 J. Nofi

2 relation to Sanchez prior to your meeting
3 with Sanchez?

4 A. I told you, yes. I'm not sure of
5 the date, I'm just stating what he said, but
6 I'm not sure of the date.

7 Q. And my question, sir, and I
8 understand what you testified to, were you
9 aware of Hesse's bragging about this alleged
10 sexual relationship prior to your meeting
11 with Sanchez?

12 A. I'm not sure of the date but he
13 bragged so much, I can't remember.

14 Q. The answer is either yes, no or I
15 don't know.

16 A. I don't remember.

17 MR. NOVIKOFF: Okay, fine.

18 Let's mark the next document as
19 Exhibit 2.

20 (One-page letter dated 7-7-06 was
21 marked as Defendant's Exhibit-2 for
22 identification; 9-9-08, A.S.)

23 Q. Sir, I'm showing you what's been
24 marked as Exhibit 2, and it's Bates stamp
25 number CCS00083. Do you see that?

1 J. Nofi

2 A. Yes.

3 Q. Do you recall receiving this
4 document from Collier County?

5 A. Not this one specifically, no, I
6 don't.

7 Q. Do you have an understanding, and
8 let's look at paragraph three, we were
9 unable to obtain medical clearance, do you
10 see that?

11 A. Yes.

12 Q. It's dated July 7, 2006. Do you
13 have an understanding as to what Miss
14 Standish was referring to when she made this
15 statement?

16 A. I took a stress test and failed
17 it. They made me go back for the dye test
18 and I passed.

19 Q. So prior to this date you had
20 taken a stress test as part of your
21 application for Collier County and you had
22 failed that. Collier County in this letter
23 was advising you that they need medical
24 clearance. You then subsequently took
25 another test that you passed?

1 J. Nofi

2 A. Yes.

3 Q. Fine.

4 A. It was a dye test, don't ask me
5 what it was about.

6 MR. NOVIKOFF: Let's mark the
7 following document as Exhibit 3.

8 (One-page letter dated 10-31-06
9 was marked as Defendant's Exhibit-3
10 for identification; 9-9-08, A.S.)

11 Q. Sir, I'm going to ask you to look
12 at what's Exhibit 3, and after you review it
13 advise me if you recall receiving this
14 letter before.

15 A. I definitely don't remember
16 seeing this here, absolutely not.

17 Q. You don't remember ever seeing
18 this?

19 A. No. I don't remember reading
20 anything like that, no. No, I was never
21 told I failed the polygraph.

22 Q. Where are you referring to, sir?

23 A. Doesn't it say here --

24 Q. I'm asking you for the record to
25 point out to me where you just made

1 J. Nofi

2 reference to the polygraph test. Is it the
3 fourth paragraph?

4 A. Yeah, looks like the fourth one,
5 yes.

6 Q. So let me read that into the
7 record. Paragraph four, in an October 31,
8 2006 letter, states as follows: Also of
9 concern to the reviewers was that after
10 careful analysis of the polygrams from your
11 polygraph examination, it is the
12 polygrapher's opinion that you displayed
13 significant or consistent physiological
14 reactions indicative to deceptions of
15 relevant questions in this examination. Had
16 the remainder of your processing been more
17 favorable, we would have invited you back
18 for a second polygraph to attempt to clear
19 up those areas.

20 Is it your testimony, sir, that
21 you never received this letter from Collier
22 County?

23 A. I don't remember ever seeing a
24 letter like this.

25 Q. So your answer would be, no, you

1 J. Nofi

2 don't have any recollection of seeing this
3 letter?

4 A. Not this one, no.

5 MR. NOVIKOFF: Okay, let's look
6 at the next document, Exhibit D, I'm
7 sorry, Exhibit 4.

8 (One-page document dated 11-14-06
9 was marked as Defendant's Exhibit-4
10 for identification; 9-9-08, A.S.)

11 Q. Sir, do you recall seeing Exhibit
12 4 prior to today?

13 A. I don't remember. I probably did
14 but I don't remember. Overnight delivery,
15 yeah, I think I might have seen this one.

16 Q. But you don't have a recollection
17 of seeing a letter from your attorney to
18 Collier County dated November 14, 2007?

19 A. Can I read this?

20 Q. Read as much as you need to.

21 A. Yes, I did see this.

22 Q. Let's look at the second
23 sentence. Mr. Goodstadt states we have been
24 informed that Mr. Nofi was denied a position
25 with your office due to an alleged

1 J. Nofi

2 disciplinary action at a former employer
3 which was disclosed during his background
4 checks performed by your office.

5 Do you have an understanding as
6 to what Mr. Goodstadt was referring in this
7 letter, in this sentence?

8 MR. GOODSTADT: Objection.

9 A. Yes, he was my attorney.

10 Q. I understand that, I'm not
11 questioning that.

12 What was Mr. Goodstadt referring
13 to when he writes of a disciplinary action
14 at a former employer?

15 A. I don't know, you have to ask
16 him.

17 Q. Is that what you want me to do,
18 you want me to ask your attorney?

19 A. I don't know what you mean by
20 this.

21 Q. Well, this is your attorney
22 writing the letter, right?

23 A. Right.

24 Q. So I'm asking you, do you have
25 an understanding as to what Mr. Goodstadt

1 J. Nofi

2 was referencing when he says that there was
3 an alleged disciplinary action at a former
4 employer concerning you?

5 A. I guess he was writing for me for
6 Collier County because I didn't get the job.

7 Q. I understand that, but were you
8 ever disciplined by a former employer?

9 A. Was I ever disciplined by a
10 former employer? No, not that I know of,
11 absolutely not.

12 Q. Right, so my question to you,
13 sir, do you have any understanding as to
14 what Mr. Goodstadt meant when he was making
15 reference to the fact that Collier County
16 denied your position due to an alleged
17 disciplinary action at a former employer?

18 MR. GOODSTADT: Objection.

19 A. Oh, yes, I would say Ocean Beach,
20 I guess he means.

21 Q. I'm not asking you to guess or
22 speculate.

23 A. I'm not guessing. I would say he
24 means Ocean Beach. He probably just didn't
25 put or misunderstood disciplinary action, in

1 J. Nofi

2 other words, for what was said about me in
3 Ocean Beach.

4 Q. So now you are reading alleged
5 disciplinary action as being what was said
6 about you?

7 A. Right.

8 Q. By Mr. Hesse?

9 A. Right.

10 MR. NOVIKOFF: I think we are
11 good to stop there.

12 THE VIDEOGRAPHER: This ends
13 tape number two. The time is 12:46
14 p.m., we are off the record.

15 (Whereas a luncheon recess was
16 taken.)

17 THE VIDEOGRAPHER: This begins
18 tape number three, the time is 1:40
19 p.m., back on the record.

20 MR. NOVIKOFF: Sir, we left off
21 looking at some documents concerning
22 Collier County. Let's mark the
23 following document as Exhibit 5.

24 (Two-page document dated 11-16-06
25 was marked as Defendant's Exhibit-5

1 J. Nofi

2 for identification; 9-9-08, A.S.)

3 MR. NOVIKOFF: And, for the
4 record, Exhibit 5 is CCSO 87 to 88.

5 Q. Sir, I'm going to ask you to
6 review Exhibit 5 and when you're done tell
7 me.

8 A. I'm done.

9 Q. Now, this is a letter from
10 Collier County, Gail Addison, to you dated
11 November 16, 2006. Do you see that?

12 A. Uh-huh.

13 Q. Did you receive this document?

14 A. Yes, I did.

15 Q. Do you recall seeing this
16 document?

17 A. Yes.

18 Q. Do you recall seeing this
19 document on or about November 16, 2006?

20 A. I guess that's when it came in,
21 yes.

22 Q. Around that time?

23 A. Yes.

24 Q. And this is in response to
25 Mr. Goodstadt's letter that I showed you

1 J. Nofi

2 before lunch, would you agree with me?

3 A. Yes.

4 Q. And in fact in this letter

5 Collier County is saying that there was no

6 indication of any disciplinary action taken

7 against you by any employer, correct?

8 MR. GOODSTADT: Objection. The

9 letter speaks for itself.

10 Q. And, sir, Collier County is

11 advising you in this letter as to why they

12 didn't hire you, correct?

13 A. Yes.

14 Q. And one of the reasons was, if

15 you look at the second page, is that you

16 didn't satisfy their requirement of two

17 years of full-time experience in the

18 position of law enforcement officer,

19 correct?

20 A. Yes, I see it.

21 Q. Is that an accurate statement

22 regarding your employment history as a law

23 enforcement officer at this time?

24 A. What line was that again?

25 Q. Second paragraph, second page.

1 J. Nofi

2 Go to the second page.

3 A. Oh, second page, okay.

4 Q. The position of law enforcement
5 officer requires a minimum of two years of
6 full-time experience, do you see that?

7 A. Yes.

8 Q. Any reason to believe that
9 Collier County was lying with regard to what
10 their requirement was?

11 A. I don't see why they would be,
12 no.

13 Q. They then go on to write, when we
14 sought to verify that you met this
15 prerequisite, we were advised that all of
16 your law enforcement experience has been
17 part time and slash or seasonal, do you see
18 that?

19 A. Yes.

20 Q. And in fact that's a true
21 statement, correct, as of this time?

22 A. Yes and no.

23 Q. Okay, why wouldn't this be a true
24 statement as of that time?

25 A. Because my police certificate

1 J. Nofi

2 through Suffolk County, that I worked for
3 the Suffolk County Health Department,
4 through the certificate I could work, if
5 they needed emergency, to do law enforcement
6 for them when I had my police certificate,
7 and it was good.

8 Q. For Suffolk County, what was that
9 job again?

10 A. The health department, it was
11 just in an emergency.

12 Q. Did you spend two years of
13 full-time for the Suffolk County Health
14 Department as a law enforcement officer?

15 A. No.

16 Q. So you would agree with me that
17 your job at Suffolk County Health did not
18 satisfy the two year prerequisite, correct?

19 A. That's what they're stating, yes.

20 Q. Would you agree with that?

21 A. Not really, no.

22 Q. Did you work two years at Suffolk
23 County Health as a law enforcement officer
24 on a continuous basis?

25 A. No.

1 J. Nofi

2 Q. So, let me ask you a question,
3 wouldn't you agree with the statement, with
4 my statement, that, as it pertains to the
5 Suffolk County Health Department job, you
6 did not have two years of continuous and
7 full-time police officer experience?

8 A. According to that letter, yeah.

9 Q. No, according to you, did you or
10 did you not?

11 A. It's hard to say because
12 seasonal, part time you work all year round
13 anyway. I worked all year round.

14 Q. We are not talking Ocean Beach,
15 we are talking Suffolk County Health, okay?

16 A. Yeah.

17 Q. Okay, did you spend two years of
18 full-time service at the Department of
19 Health for Suffolk County --

20 A. No.

21 Q. -- in a law enforcement job?

22 A. No.

23 Q. Now, Ocean Beach -- well, other
24 than Ocean Beach, any other law enforcement
25 experience?

1 J. Nofi

2 A. Ocean Beach.

3 Q. Just Ocean Beach, right?

4 A. Yes.

5 Q. So Ocean Beach was the only job

6 that you had up until this date where you

7 were involved in law enforcement, correct?

8 A. Yes.

9 Q. Now, was --

10 MR. NOVIKOFF: Withdrawn.

11 Q. Your job at Ocean Beach was part

12 time, correct?

13 A. I'm not sure if it was seasonal

14 or part time. I don't know how they

15 pronounce that.

16 Q. Was it seasonal?

17 A. I'm not sure.

18 Q. What was your understanding of

19 what it was?

20 A. I worked all year round, that's

21 all I know.

22 Q. 40 hours a week?

23 A. No, not always, no. I did work

24 all year round.

25 Q. Did you ever work 40 hours a

1 J. Nofi

2 week?

3 A. I believe so, yes.

4 Q. How many times?

5 A. I'm not sure.

6 Q. Less than five?

7 A. I don't know, but that letter was
8 given to me after the fact.

9 Q. Sir, were you a full-time
10 employee of Ocean Beach?

11 A. No.

12 Q. Were you a full-time police
13 officer for Ocean Beach?

14 A. No.

15 Q. You were a part-time police
16 officer, correct?

17 A. Yes.

18 Q. So, with regard to your Ocean
19 Beach experience, the paragraph that I just
20 read from this letter would be true,
21 correct?

22 A. I'd say so, yes.

23 Q. Let's look at the first paragraph
24 of the second page. Collier County is
25 advising you that an additional concern they

1 J. Nofi

2 had regarding your job history was, quote,
3 your failure to disclose all prior
4 employers, parenthesis, until after you
5 signed the conditional offer of employment,
6 closed parenthesis, do you see that?

7 A. No, I don't.

8 Q. No, first paragraph, second page?

9 A. Yes, okay.

10 Q. Was that an accurate statement,
11 that you failed to disclose all your prior
12 employers?

13 A. Not to my knowledge, I could have
14 sworn I gave them everything.

15 Q. Did you ever ask them to review
16 that statement upon receipt of this letter?

17 A. I asked them to mail me something
18 back.

19 Q. Did you ever write to them or
20 have your attorney write to them that they
21 were wrong, that you had disclosed all your
22 prior employers?

23 A. I'm not sure.

24 Q. Okay, let's look at the first
25 page. Anything on the first page that you

1 J. Nofi

2 believe was inaccurate?

3 A. Yes, there's inaccurates.

4 Q. What are the inaccurates?

5 A. I don't know where they got this
6 from. There must have been a miswriting
7 from whoever wrote this, I have no idea.

8 Q. What's inaccurate?

9 A. This came from my job, Suffolk
10 County. I don't know where liquor
11 enforcement came from. That must have been
12 a type error from, you know, when he sent in
13 to work there, because there's no such
14 thing. I worked for tobacco education
15 enforcement, nothing to do with liquor.

16 Q. Okay, anything else that's
17 inaccurate on the first page of this letter?

18 A. I don't see anything really
19 besides that, I think.

20 MR. NOVIKOFF: Let's mark the
21 next document as Exhibit 6.

22 (Five-page document was marked as
23 Defendant's Exhibit-6 for
24 identification; 9-9-08, A.S.)

25 Q. Sir, let's go back to Exhibit 5.

1 J. Nofi

2 It's right in front of you over there.

3 Given your receipt on or about
4 November 16, 2006 of this, do you still
5 maintain that you were denied the Collier
6 County position because of something
7 Mr. Hesse may have said to the investigator?

8 A. Yes. I believe so, yes.

9 Q. Notwithstanding what was said in
10 this letter?

11 A. No, because this was after the
12 fact.

13 Q. This was after what?

14 A. After his conversation I got
15 this.

16 Q. I understand. Is it still your
17 testimony, given what Collier County wrote
18 in a letter about your lack of experience,
19 that you didn't get the job because of
20 something Mr. Hesse said?

21 A. You're going to have to wait a
22 second.

23 Q. I will wait.

24 A. I can't really hear you. Okay,
25 go ahead.

1 J. Nofi

2 Q. Okay, given that this letter from
3 Collier County --

4 A. Where in this letter, which
5 sentence?

6 Q. The second page.

7 A. Second page?

8 Q. Second page.

9 A. Okay.

10 Q. Given the fact that Collier
11 County has advised you that you did not have
12 the requisite two years full-time
13 experience, do you still maintain the
14 position that you were denied the job at
15 Collier County because of something
16 Mr. Hesse said or wrote?

17 A. Yes.

18 Q. Let's look at Exhibit 6.

19 A. This page here now?

20 Q. Yes.

21 Just review Exhibit 6 and tell me
22 when you're done.

23 MR. NOVIKOFF: Well, withdrawn.

24 Q. Do you recall receiving Exhibit 6
25 at any point in time prior to today?

1 J. Nofi

2 A. I have to look at it.

3 Q. If you need to look at it, then
4 go ahead.

5 MR. NOVIKOFF: And, for the
6 record, it's CCSO 93 through 97.

7 Q. Let me stop you after the first
8 page, sir.

9 A. Okay, go ahead.

10 Q. Do you recall ever receiving the
11 first page of this document?

12 A. This one here, right here?

13 Q. Yes.

14 A. What do you mean?

15 Q. Did you -- is this part of the
16 documents that you received from Collier
17 County when you asked for documents about
18 you, that you've previously testified to?

19 A. I think I got this one here. I'm
20 not sure about this one here. I probably
21 did but I'm not 100 percent sure.

22 Q. Then go through the rest of the
23 documents.

24 A. Sure. You want me to read the
25 rest of this stuff?

1 J. Nofi

2 Q. If you feel you need to.

3 MR. GOODSTADT: Read it.

4 Q. Do you feel you need to read the
5 rest of the documents?

6 A. Yes.

7 Q. Okay, then go ahead.

8 A. Okay.

9 Q. You have now read this document,
10 this exhibit. Did you receive this in the
11 documents received from Collier County? Did
12 you make a request as you have previously
13 testified to?

14 A. My only request from Collier
15 County the papers, you know, for the
16 investigation itself. I'm not sure if I got
17 this one but I might have, but I got a bunch
18 of papers.

19 Q. All I'm asking, is this a
20 document you recall getting from Collier
21 County when you made the request?

22 A. I don't know, it's possible.

23 Q. Okay, let's go through it.

24 A. I know the second one, I remember
25 this because I said that was wrong.

1 J. Nofi

2 Q. You are referring to page 94?

3 A. Yes.

4 Q. What was wrong on page 94?

5 A. Somebody put liquor stuff, I
6 don't know why.

7 Q. What?

8 A. Misunderstanding, the liquor
9 stuff.

10 Q. Oh, on 10-23-06.

11 A. Yeah, it's tobacco, they must
12 have misunderstood her.

13 Q. So you called up the investigator
14 and told them that they were wrong?

15 A. I don't know. I don't know if I
16 let him know after the fact when he talked
17 to me, most likely I probably I did, yeah.

18 Q. Did you talk to the investigator
19 after this?

20 A. I don't know when the date was,
21 when this was. I talked to the investigator
22 after I was denied. That's the only time I
23 talked to him. I called him up, and I might
24 have called him before, one time before too,
25 but that was just about how it was going.

1 J. Nofi

2 Q. Now, on page two is there any
3 indication with regard to what Mr. Hesse
4 said, that he defamed you or said anything
5 malicious against you?

6 A. On what page?

7 Q. On page 94.

8 MR. GOODSTADT: Objection.

9 Q. The second page of this document,
10 let's look on 9-15-2006.

11 A. 9-15-2006, okay.

12 Q. Deputy Chief Hesse verified, do
13 you see that paragraph?

14 A. Yes.

15 Q. Anything in that paragraph that
16 you believe was defamatory about you?

17 MR. GOODSTADT: Objection.

18 Q. I will make it simpler because I
19 think your attorney is objecting because you
20 may not know what defamatory means.

21 A. I know what it means.

22 Q. Anything in that paragraph that
23 you believe was a lie from Mr. Hesse?

24 A. No, not in that paragraph.

25 Q. Anything in that paragraph that

1 J. Nofi

2 you believe that Mr. Hesse was being
3 malicious towards you?

4 A. Yes. When he mentioned that we
5 were suing the department, that probably
6 destroyed it right there.

7 Q. Let's look at the paragraph
8 before. It says Chief Paradiso also said
9 that you were suing the department, do you
10 see that?

11 A. Yes.

12 Q. Okay, was that malicious?

13 A. He didn't add other stuff.

14 Q. What other stuff, sir?

15 A. Stuff that George said over the
16 phone, not on paper.

17 Q. But you don't know what George
18 said over the phone?

19 A. From what I was told.

20 Q. All you were told, sir, was that
21 Mr. Hesse gave you a bad reference, right?

22 A. Right, and he didn't say very
23 nice things about me, according to Chief
24 Paradiso.

25 Q. But you don't know specifically?

1 J. Nofi

2 A. Of course not, I can't find out.

3 How am I going to find out? He's not going

4 to tell me, he's an investigator.

5 Q. Okay, and also you would agree

6 with me, sir, that your filing -- you filed

7 a complaint --

8 MR. NOVIKOFF: Well, withdrawn.

9 Well, no, actually I'm not going to

10 withdraw that.

11 Q. According to Mr. Paradiso, you

12 had already filed a complaint prior to him

13 and Mr. Paradiso speaking to the

14 investigator, correct?

15 MR. GOODSTADT: Objection.

16 A. What do you mean, filed a

17 complaint?

18 Q. Did you file a notice of claim

19 prior to Mr. Paradiso speaking with the

20 investigator, according to this document?

21 MR. GOODSTADT: Objection.

22 A. I don't know. I don't know the

23 date.

24 Q. You don't recall, okay. Let's

25 look at the third page, page 95.

1 J. Nofi

2 It references towards the bottom,
3 three paragraphs up, see docket 8814303, do
4 you see that?

5 A. No, I don't. Page 95 you said,
6 correct?

7 Q. Yes, three paragraphs from the
8 bottom. Nope, go from the bottom and go up
9 three paragraphs.

10 A. Okay, from the bottom, okay, go
11 ahead.

12 Q. This makes reference to a
13 judgement of divorce on 10-7-88.

14 A. What?

15 Q. Do you see that paragraph?

16 A. Where is that?

17 MR. GOODSTADT: It's right here.

18 A. Okay, you got the wrong person.

19 Q. Well, I don't have anything. I'm
20 asking you the question, does this pertain
21 to you?

22 A. No.

23 Q. That's all I wanted to know.
24 Let's look at the next page.

25 A. Okay.

1 J. Nofi

2 Q. Page 96.

3 A. 96?

4 Q. 96, let's look at the middle
5 starting on 06-26-2006, do you see that?

6 A. Yes.

7 Q. Let's look at that fourth
8 paragraph starting with the applicant states
9 he was arrested, do you see that?

10 A. No.

11 Q. The applicant states he was
12 arrested when he was 19 years of age.

13 A. Yes.

14 Q. Do you see that?

15 A. I got it.

16 Q. For filing a false stolen vehicle
17 police report, correct?

18 A. Yes, which was thrown out.

19 MO MR. NOVIKOFF: Motion to strike
20 as not responsive.

21 Q. The question I have for you, sir,
22 is the statement pertaining to the fact that
23 you were arrested is a true statement,
24 correct?

25 A. Yes, it was false though.

1 J. Nofi

2 Q. You were arrested, sir, correct?

3 A. Yes.

4 Q. Were you arrested when you were
5 19 or 25?

6 A. I don't know how old I was.

7 Q. Or 24?

8 A. I was about 22, 23, maybe. I
9 don't remember, it was a long time ago.

10 Q. How many times have you been
11 arrested, sir?

12 A. Never in my life.

13 Q. Other than that one time?

14 A. Never even had a ticket in my
15 life.

16 Q. You don't know as you sit here
17 today whether you were 19 or 24?

18 A. No, it was a long time ago, 30
19 years ago, 32 years ago, I don't know.

20 Q. Just trying to verify that you
21 don't recall your age when you were
22 arrested.

23 A. Never been arrested, never been
24 in trouble.

25 Q. The investigator believes you

1 J. Nofi

2 told him you were 19, do you see that?

3 MR. GOODSTADT: Objection.

4 A. That's false.

5 Q. Did you ever advise the
6 investigator that he was wrong as to what he
7 says you told him?

8 A. That's false.

9 Q. Okay.

10 A. Not true.

11 Q. Now, you said the case was later
12 dismissed. I'm sorry, the investigator says
13 that you told him that the case was later
14 dismissed.

15 A. I told the investigator, yes, it
16 was thrown out. It was sealed, thrown out.
17 I was told by the judge in Mineola it was
18 sealed and thrown out because it was a
19 mistake, because I signed a piece of paper
20 and I didn't know what I was signing. When
21 I went to court the judge told me case
22 dismissed, mailed my documents back, we
23 burned them up in the garbage pail.

24 Q. Sir, did you ever plead guilty?

25 A. Yes, to a violation.

1 J. Nofi

2 Q. And did you pay a fine?

3 A. \$250, I believe it was.

4 Q. You pled guilty to a violation?

5 A. Yes.

6 Q. What's your understanding of what
7 a violation is?

8 A. Liking a parking ticket.

9 Q. Okay, then you believe it was
10 thrown out?

11 A. It was thrown out. It was
12 sealed, the judge told me right to my face
13 it was sealed.

14 Q. And who was the judge?

15 A. I don't remember 30 something
16 years ago.

17 Q. Okay, no problem.

18 A. I have no idea.

19 MR. NOVIKOFF: Let's move onto
20 the next document, Exhibit 7.

21 (Two-page document dated 9-15-06
22 was marked as Defendant's Exhibit-7
23 for identification; 9-9-08, A.S.)

24 Q. Take a look at Exhibit 7, and
25 advise me if you recognize this document?

1 J. Nofi

2 A. I'm not sure, probably, yeah.

3 Q. I don't want you to be probable,
4 I don't want you to guess. I don't want you
5 to speculate. Do you recall seeing this
6 document prior to today?

7 A. I'm not sure, I really can't tell
8 you, I don't know.

9 Q. Do you recall ever receiving this
10 document from Collier County after you made
11 the request?

12 A. No, I don't believe I did see
13 this.

14 Q. Okay, let's move on.

15 A. I'm not 100 percent sure.

16 MR. NOVIKOFF: Let's go to
17 Exhibit 8. Mark the following document
18 as Exhibit 8.

19 (Two-page document was marked as
20 Defendant's Exhibit-8 for
21 identification; 9-9-08, A.S.)

22 MR. NOVIKOFF: Actually, for the
23 record, before you mark that, Exhibit 7
24 was CCSO 124 to 125.

25 (Two-page document was marked as
Precise Court Reporting
(516) 747-9393 (718) 343-7227 (212) 581-2570

1 J. Nofi

2 Defendant's Exhibit-8 for

3 identification; 9-9-08, A.S.)

4 MR. NOVIKOFF: And for the

5 record Exhibit 8 is CCSO 1047 to 0148.

6 Q. And just read it for me to

7 yourself and tell when you're done reading

8 it.

9 A. Okay, I've seen this.

10 Q. Now, when did you first see this?

11 A. When they mailed it to me, when I

12 asked for this.

13 Q. So this was part of the documents

14 you received from Collier County subsequent

15 to your request?

16 A. Yes.

17 Q. Okay, and this is the

18 investigator's notes concerning his

19 conversation with Mr. Paradiso, to the best

20 of your knowledge?

21 A. Yes, that's what he put on there.

22 Q. And Mr. Paradiso is

23 acknowledging, well, according to the

24 investigator, Mr. Paradiso indicated that

25 you were in fact suing the village, correct?

1 J. Nofi

2 A. That's what he says here.

3 Q. Anything in this document that
4 you believe was malicious on the part of
5 Mr. Paradiso?

6 A. Absolutely not. Look at it,
7 excellent on everything he put, why would I?

8 MR. NOVIKOFF: I'm just asking
9 you. Okay, let's look at the next
10 document, Exhibit 9.

11 (Two-page document was marked as
12 Defendant's Exhibit-9 for
13 identification; 9-9-08, A.S.)

14 MR. NOVIKOFF: And, for the
15 record, Exhibit 9 is CCSO 149 to 150.

16 Q. Now, we spoke at length, sir --
17 well, let me ask you a question.

18 Is this part of the documents
19 that you received from Collier County?

20 A. Yes.

21 Q. And you would have received this
22 prior to today, correct?

23 A. Before today, yes.

24 Q. Right, at your request of Collier
25 County they sent this to you?

1 J. Nofi

2 A. Yes.

3 Q. Now, I believe we talked somewhat
4 at length this morning about a document that
5 you recall receiving from Collier County.
6 Do you recall that?

7 A. Yes.

8 Q. Was this the document that you
9 were referring to?

10 A. One of them, yes.

11 Q. Right, well, this was the
12 document that you said there was a cross out
13 on, correct?

14 A. Yes.

15 Q. And the cross out you are
16 referring to is what appears at the bottom
17 of 149?

18 A. And the top of both, on the
19 bottom of the first page and this.

20 Q. I'm only concerned about 149 now.

21 A. Okay.

22 Q. Now, I believe you testified that
23 that was Mr. Hesse crossing that out,
24 correct?

25 A. I never said that, did I?

1 J. Nofi

2 Q. I believe you did. The record
3 will say what you said, but that's okay?

4 A. Then I must have misunderstood.

5 Q. Do you have any knowledge as to
6 who crossed this out?

7 A. I'm sure the investigator, what
8 Hesse told him to cross it out.

9 Q. What was the answer?

10 A. I guess the investigator, when he
11 talked to him, must have crossed this out,
12 I'm not sure.

13 Q. Do you have any reason to believe
14 Mr. Hesse had anything to do with the
15 crossing out?

16 A. Yeah, those are his words, he
17 didn't put those words in his mouth, did he?

18 Q. I'm talking about, did Mr. Hesse
19 actually cross this line out, to the best of
20 your knowledge?

21 A. By over the phone, not by hand.
22 I don't know.

23 Q. Oh, okay, and the second page
24 there's a cross out, do you see that?

25 A. Yes.

1 J. Nofi

2 Q. And these were all questions
3 concerning your role as a seasonal police
4 officer at Ocean Beach, do you see that?

5 A. Yes.

6 MR. GOODSTADT: Objection.

7 Q. Would you -- is that your
8 understanding as to what these questions
9 pertain to? You can read them, if you want.

10 A. Yes, I guess so.

11 Q. You guess so? You need to take
12 more time to read it?

13 A. No.

14 Q. Well, let's look, the bottom of
15 149 it says rate the applicant in the
16 following areas, do you see that? Then it
17 says example, good, fair and poor, right?

18 A. Yes.

19 Q. You would agree with me that that
20 pertains to your time at the Ocean Beach
21 Police Department, correct?

22 A. Yes.

23 Q. Okay, then the next question is
24 would you recommend the applicant for a
25 position with agency. You would agree with

1 J. Nofi

2 me that pertains to the Ocean Beach Police
3 Department?

4 A. Yes.

5 Q. Then let's look at the next page.

6 Would you agree with me that all
7 these questions that were set forth on this
8 page pertain to your employment history at
9 Ocean Beach?

10 A. Uh-huh.

11 Q. Yes?

12 A. Yes.

13 Q. Okay, now let's look at the
14 second page. It's written under please
15 provide any additional information, Deputy
16 Chief Hesse states, quote, his police
17 department is being sued by the applicant
18 for, quote, wrongful parenthesis job
19 termination, closed quote, do you see that?

20 A. Uh-huh.

21 Q. Chief Hesse states he cannot
22 comment on the APP apostrophe S reason he
23 was let go or his job history at the PD due
24 to the ongoing lawsuit, do you see that?

25 A. Yep.

1 J. Nofi

2 Q. So you have no reason to believe,
3 based upon this document, that Mr. Hesse
4 said anything bad about you? No?

5 A. Definitely disagree with what
6 you're saying.

7 Q. What in that document points to
8 something that Mr. Hesse said that you
9 belief was bad about you?

10 A. I'm not that dumb. Just look at
11 it and read it for yourself and you tell me.

12 Q. I'm asking you.

13 A. I'm asking you, just look at it.

14 Q. We can go over this all day.
15 Mr. Hesse, according to the investigator,
16 says he can't comment because of the lawsuit,
17 right?

18 A. Right.

19 Q. So I'm asking you, sir, what in
20 this document, can you point to the Judge
21 and the jury, since you're on videotape and
22 we are going to be playing this at trial --

23 A. Good.

24 Q. -- if it gets there, that you
25 believe Mr. Hesse said that was derogatory

1 J. Nofi

2 towards you?

3 A. Can I answer now?

4 Q. By all means.

5 A. Look at the difference from that
6 one to that one, big difference.

7 Q. Sir, explain?

8 A. I just explained it to you.

9 Q. For the record --

10 A. I'm answering you.

11 Q. Sir, on this document, Exhibit 9,
12 what did Mr. Hesse say about you that you
13 believe was derogatory?

14 MR. GOODSTADT: Objection, asked
15 and answered.

16 Q. That's fine but you can answer.

17 A. I answered, I just told you,
18 that's my answer.

19 Q. That's your answer?

20 A. Yes.

21 Q. Okay.

22 MR. GOODSTADT: And just so the
23 record is clear, when he said compare
24 the two, he is comparing Exhibit 9 to
25 Exhibit 8.

1 J. Nofi

2 MR. NOVIKOFF: That's fine. I
3 think his testimony says what it says.

4 Let's look at the next document,
5 let's mark that Exhibit 10.

6 (Three-page document was marked
7 as Defendant's Exhibit-10 for
8 identification; 9-9-08, A.S.)

9 MR. NOVIKOFF: For the record,
10 Exhibit 10 is CCSO 218, 219 and 220, I
11 believe.

12 Q. Review this document please and
13 tell me when you're done.

14 A. Who is this from?

15 Q. Sir, just read it and tell me if
16 you've seen it, and when you're done reading
17 it, and then I will ask the questions.

18 A. I can't say if I did see it, I
19 don't even know who this is from.
20 Background investigation, is this from
21 Suffolk County or Florida? I don't even
22 know.

23 Q. Just tell me when you're done
24 reading this.

25 MR. GOODSTADT: Just wait for
Precise Court Reporting
(516) 747-9393 (718) 343-7227 (212) 581-2570

1 J. Nofi

2 him to ask a question.

3 A. I don't remember seeing this.

4 Q. On page two of this exhibit

5 there's a reference to a quote, towards the

6 bottom.

7 MR. GOODSTADT: Of 219, are you

8 on 219?

9 Q. Look under if yes, give details,
10 do you see that?

11 A. Yes.

12 Q. Then it says see addendum, do you
13 see that?

14 A. See what?

15 Q. See addendum?

16 A. Yes.

17 Q. After that it says, quote, PO
18 tricked me into signing a, and I can't read
19 what that word is.

20 A. Stolen MVP report.

21 Q. Do you recall telling the
22 investigator that?

23 A. Yes.

24 Q. Just do you recall telling the
25 investigator that?

1 J. Nofi

2 A. Yes.

3 Q. Well, can you explain to me what
4 you meant when you told the investigator
5 that you were tricked into signing a stolen
6 MVP report?

7 A. We would have to go to the
8 Suffolk County police academy and they have
9 records of it, because I had to write a
10 report on it before I got hired, and then I
11 had to check it up with the detectives and
12 the Court, but I still got hired.

13 Q. You just testified that you told
14 the investigator that you were tricked?

15 A. Not the investigator, the
16 polygraph guy, I believe it was the
17 polygraph guy.

18 Q. You told somebody that you were
19 tricked?

20 A. I think the polygraph guy.

21 Q. But you told somebody, right?

22 A. Yes.

23 Q. What did you mean when you told
24 somebody that you were tricked into signing
25 that report?

1 J. Nofi

2 A. Okay, you want me to explain?

3 Q. I asked the question, please go
4 ahead.

5 A. I had one car when I was young.
6 I was the only one with a car. So my friend
7 borrowed my car. Okay, two detectives came
8 to my house. My grandmother didn't speak
9 English, she's Cuban American, okay,
10 Spanish. She didn't understand English, she
11 let him in the house. They came to me and
12 asked do you own such and such car. I said
13 yes. They said was your car lent to a
14 friend and I told him yes. He said sign
15 those papers, I signed the papers. I had no
16 idea what I was signing, and then they
17 called me back about a week later and said
18 come in and talk to them. They arrested me,
19 and then I explained to them I signed papers
20 because you told me to sign it, and it was
21 thrown out in court, and was dismissed the
22 whole thing. It was a big misunderstanding.
23 If it wasn't, I wouldn't have been a cop and
24 it wouldn't have been thrown out.

25 Q. You are saying that there are no

1 J. Nofi

2 cops that have been arrested?

3 MR. GOODSTADT: Objection,

4 that's not what he said.

5 Q. What do you mean by saying you

6 wouldn't have been a cop?

7 A. I wouldn't have been hired as a

8 cop if I had been convicted.

9 Q. Oh, and it's your belief that as
10 a seasonal part-time employee at Ocean Beach

11 you were a cop?

12 A. Absolutely.

13 MR. GOODSTADT: Objection.

14 Q. Did you ever try to be a

15 full-time cop for Suffolk County?

16 A. No.

17 Q. Ever try being a full-time cop

18 for Nassau County?

19 A. No. I took the job because when
20 I moved on down south, they hire police.

21 Q. Did you ever apply for a job in
22 Nassau County as a police officer?

23 A. Nassau County, no.

24 Q. Did you ever apply for a New York
25 City Police Department job?

1 J. Nofi

2 A. No.

3 Q. Sir, what did you mean that you
4 were tricked? I understand what your
5 testimony is regarding the events
6 surrounding your arrest. What did you mean
7 when you said you were tricked, who tricked
8 you?

9 A. The two detectives that came to
10 my house.

11 Q. How did they trick you?

12 A. They told me to sign something
13 and I signed it, and I was stupid.

14 Q. So you were stupid instead of
15 being tricked, is that your testimony?

16 MR. GOODSTADT: Objection.

17 A. Both.

18 Q. Okay, so now you were both stupid
19 and tricked, right?

20 MR. GOODSTADT: Objection.

21 Q. Is that your testimony?

22 A. I guess so.

23 MR. NOVIKOFF: Okay, let's mark
24 the next document as Exhibit 11.

25 (Two-page document was marked as
Precise Court Reporting
(516) 747-9393 (718) 343-7227 (212) 581-2570

1 J. Nofi

2 Defendant's Exhibit-11 for
3 identification; 9-9-08, A.S.)

4 MR. NOVIKOFF: Now, for the
5 record, Exhibit 11 is CCS 225 through
6 226, two pages.

7 Q. Are you done reading that?

8 A. Uh-huh.

9 Q. Have you ever seen that document
10 prior to today?

11 A. I don't believe so, no.

12 Q. Let's move on then.

13 A. It's a good document.

14 Q. Why is it a good document, sir?

15 A. Because you asked me a question
16 on this here, where is it? I seen it, I see
17 it now. Like I said, about the arrest
18 history, the way it states the charge is
19 dismissed.

20 Q. Is that why you think this is a
21 good document?

22 A. Yes, because what you asked me
23 before, it's stating what I said.

24 Q. Doesn't this document also say
25 that you admitted to committing statutory

1 J. Nofi

2 rape when you were 18?

3 MR. GOODSTADT: Objection.

4 A. No, it doesn't say that at all.

5 Q. Doesn't this document indicate
6 that the polygraph indicates that some of
7 your responses were indicative of deception?

8 A. No, I don't see where it says
9 that.

10 Q. Let's read it.

11 A. What page?

12 Q. Second page.

13 A. Okay.

14 Q. It says a preemployment
15 examination was conducted on this date.
16 Upon completion and review of the
17 examination there was significant responses
18 indicative of deception noted to relevant
19 questions regarding --

20 A. Oh, yes, okay, that's excellent,
21 I'm glad you brought it up.

22 Q. Still think it's a good document?

23 A. Yes, I do. That was question
24 asked about Ocean Beach.

25 Q. Okay, let's go back to Exhibit 1.

1 J. Nofi

2 Let's go to page 27, paragraph 117.

3 It is alleged on your behalf the
4 following: As set forth above by among
5 other things repeatedly reporting endemic
6 corruption and abuse of power by members of
7 the OBPD to their superiors at the OBPD and
8 to the Suffolk County civil service
9 department, plaintiffs engaged in activity
10 protected by the first amendment. Do you
11 see that?

12 A. Uh-huh.

13 Q. Did you repeatedly, did you,
14 Mr. Nofi, repeatedly report endemic
15 corruption and abuse of power as it's alleged
16 in this complaint?

17 A. I did report it, yes.

18 Q. Did you repeatedly report it?

19 A. It depends on what you mean by
20 repeatedly.

21 Q. What do you mean by repeatedly
22 since this is your complaint and this is
23 your allegation?

24 MR. GOODSTADT: Objection.

25 A. This is made by five of us

1 J. Nofi

2 though, not just me.

3 Q. I understand that but, sir, what
4 understanding --

5 A. I don't know how to answer that.
6 How do you know it was me who said that, is
7 what I'm saying.

8 Q. And that's what I'm here to find
9 out, what is your understanding --

10 A. I'm telling you I complained.

11 Q. What is your understanding of the
12 word repeated?

13 A. A couple of times.

14 Q. A couple of times, what, two
15 times, three times?

16 A. More than two times.

17 Q. Less than ten?

18 A. No, 12 to 14 times.

19 Q. 12 to 14, that is repeated?

20 A. Yes.

21 Q. We will go into the details later
22 but there's a reference to endemic
23 corruption?

24 A. Yes.

25 Q. What endemic corruption did you

1 J. Nofi

2 repeatedly report, just you?

3 MR. GOODSTADT: Objection.

4 A. People drinking in the bars, cops
5 drinking in bars.

6 Q. Cops drinking in bars, okay.

7 A. Staying overnight after duty when
8 they were told not to, in bars getting drunk
9 with known drug activity people that sell
10 drugs or do drugs who were busted by the
11 same cops they were hanging out with.

12 Q. Okay.

13 A. Okay, which is unbelievable.
14 Going into homes, we knew that was known.

15 Q. I'm sorry, your counsel coughed,
16 I didn't hear that.

17 A. You know, going, hanging out in
18 people's houses that were known to sell
19 drugs or do drugs and drink and party
20 parties.

21 Q. Any other examples of what you
22 consider to be endemic corruption?

23 A. Yes, absolutely.

24 Q. Well, give them to me, that's
25 what we're here for.

1 J. Nofi

2 A. Going home, dropping them off in
3 the mornings or at night, leaving the
4 village unmanned, unsafe, while we had to
5 leave and take drunken alcoholics, totally
6 drunk out of their minds where they couldn't
7 stand, back to the check point which is the
8 43, where we used to park our cars, and not
9 knowing whether they were going to kill
10 somebody leaving that section going home,
11 driving drunk like that, and George knew
12 because he told us to take them off.

13 MO MR. NOVIKOFF: Sir, I move to
14 strike that.

15 A. And I'm answering you.

16 Q. Well, I'm just looking for
17 examples of endemic corruption. Like I
18 said, we will get into the details later.

19 Any other examples of what you
20 allege to be endemic corruption?

21 A. It could be a lot of things.

22 Q. I'm asking you, what are they?
23 This is your time to tell me.

24 A. Leaving me at the dispatching by
25 myself at night while they go to bed, sleep

1 J. Nofi

2 or go whatever they were doing. Putting me
3 in the back streets by myself, not knowing
4 what I was doing when I first started,
5 sending me back there.

6 Q. I'm sorry, when you said you
7 didn't know what you were doing?

8 A. When I was getting trained, I
9 didn't get any formal training, just going
10 back to the fucking back streets, shut your
11 mouth and do what I tell you what to do, in
12 that manner, exactly like that.

13 Q. Okay, when you first started?

14 A. No, after about a year or two it
15 started.

16 Q. Okay, anything else?

17 A. That's all I can remember right
18 now.

19 MR. NOVIKOFF: We will leave a
20 space in the transcript in case you can
21 remember anything else.

22 THE WITNESS: Okay.

23 INSERT:

24 Q. Now, what about abuse of power as
25 it's alleged? Give me examples of abusive

1 J. Nofi

2 power?

3 MR. GOODSTADT: Objection.

4 Q. As it's alleged in paragraph 117.

5 A. Other people?

6 Q. No, no.

7 A. I'm answering you, I'm answering
8 you, give me a chance here.

9 Q. Okay.

10 A. Other people driving a truck
11 drunk to the check point, leaving the police
12 vehicle with a flat tire, remaining at the
13 check point for not one day, not two days,
14 not three days, not four days, not five
15 days, not six days, not seven days, without
16 getting a flat tire fixed, which the other
17 cops made, and I come in and George would
18 say fix the tire, change the tire, after
19 someone else made it flat.

20 Not once but twice I was told to
21 fix flat tires, which I didn't give the
22 trucks flat tires, told that if anybody
23 drives on the beach and gets caught driving
24 on the beach, when you're told not to go on
25 the beach, you will be fired. One of the

1 J. Nofi

2 officers drove on the beach and the truck got
3 lost because the truck got stuck on the beach
4 when he was told not to drive on the beach
5 and the ocean swallowed it up and he never
6 got reprimanded for it. If it was me, I
7 would have been ripped a new rear end and
8 fired in two minutes flat because I wasn't
9 one of his cronies.

10 It's another time and I can go on
11 and on. Telling other officers, I was there
12 when he told Frank Fiorillo stand on the
13 corner under the street light, don't move,
14 don't eat, don't get nothing to drink for
15 three, two, three days and told him to stay
16 and humiliated him and I was there for the
17 whole damn thing.

18 Another time another drunken
19 officer came off the water taxi, drunk out of
20 his mind. He was fighting with the girl,
21 supposedly punched her in the face. Fiorillo
22 responded, I responded two minutes after
23 that, and he grabbed -- he didn't know he was
24 a cop because he never met him. He
25 identified himself, I'm a police officer with

1 J. Nofi

2 you guys Ocean Beach. He said I don't care
3 who you are, you just hit a girl, brought him
4 back to the station, George shut the door and
5 me, I think it was Kevin Lamm, me and a
6 couple of other officers went into George and
7 Frank Fiorillo, and balled him out and cursed
8 him out and said I don't give a shit, you
9 should know who works here. I don't give a
10 shit if he was drunk, you don't ever do that
11 to a superior officer ever again. Meanwhile,
12 not respecting his rights to do the right
13 thing as a police officer who was assaulting
14 a girl. He embarrassed him and balled him
15 out.

16 Q. And you complained about all of
17 this?

18 A. Complained, I was right there.

19 Q. Did you complain, sir?

20 A. Absolutely.

21 Q. To whom?

22 A. Right to his face.

23 Q. Well, let's go back to 117. You
24 state that you repeatedly reported endemic
25 corruption, abuse of power by members of the

1 J. Nofi

2 OBPD. Who did you mean by members?

3 A. Chief Paradiso, George Hesse,
4 mostly George Hesse because chief never
5 really worked at night, George was on at
6 night.

7 Q. Okay, other than Mr. Hesse, what
8 other members of the OBPD engaged in endemic
9 corruption and abuse of power?

10 A. Oh, us guys, us five.

11 MR. GOODSTADT: Are you asking
12 who he complained to?

13 MR. NOVIKOFF: No. Right now he
14 alleges that he repeatedly reported
15 endemic corruption, abuse of power by
16 members. He's identified Hesse. I
17 believe he said it's not Paradiso
18 because Paradiso didn't work nights.

19 A. I complained to Paradiso.

20 MR. GOODSTADT: He's asking you
21 who engaged in corruption.

22 THE WITNESS: Oh, who engaged in
23 corruption, I'm sorry.

24 MR. GOODSTADT: Which police
25 officers in addition to Hesse are you

1 J. Nofi

2 alleging engaged in corruption, is that
3 correct?

4 MR. NOVIKOFF: Yes.

5 A. And I didn't say George engaged
6 in corruption, I said he allowed it.

7 Q. I'm reading off of your
8 allegation, sir. This is your writing. You
9 write repeatedly reporting endemic
10 corruption and abuse of power by members.
11 When you say members, you have identified
12 Hesse?

13 A. Right.

14 Q. Who is the other people?

15 A. The Pisettis, the Pisetti
16 brothers, Gary and Richie Pisetti.

17 Q. Who else?

18 A. Hardman I would say.

19 Q. Hardman?

20 A. Yes.

21 Q. What's his first name?

22 A. I don't know, everybody called
23 him Hardman, Arnold Hardman.

24 Q. Okay.

25 A. Walter Moller.

1 J. Nofi

2 Q. Okay.

3 A. Some new guy, I can't remember
4 his last name. I think his name was Joe. I
5 don't know his last name but some new guy.
6 I'm not sure exactly of his last name, he
7 was coming on as we was getting let go.
8 Actually I only met him like once or twice,
9 three times.

10 I wouldn't say it was corruption
11 but I seen Tyrie Bacon sleeping in back of
12 the basketball court, snoring, sound asleep,
13 which is a very dangerous situation with
14 your gun, sound asleep. I wouldn't say it's
15 corruption but it was a dangerous situation,
16 that's for sure.

17 Q. And who did you personally
18 complain to with all of the examples you
19 just gave?

20 A. To George.

21 Q. Anybody else?

22 A. The chief once or twice.

23 Q. How many times did you complain
24 to Hesse?

25 A. I don't know, plenty of times, it

1 J. Nofi

2 went nowhere.

3 Q. More than two?

4 A. Yes.

5 Q. More than ten?

6 A. Yes.

7 Q. More than 20?

8 A. Yes, I would say so.

9 Q. More than 30?

10 A. I don't know, I can't remember.

11 It was different times. Can I say one
12 thing?

13 Q. No.

14 MR. GOODSTADT: If it's
15 responsive to your question he
16 certainly can.

17 Q. Did you 20, 30, ten?

18 A. I don't remember.

19 Q. Those are the questions, sir.

20 A. I was responding to another
21 corruption thing now.

22 Q. I'll get to more examples.

23 Sir, did you ever put your
24 complaints to Mr. Hesse in writing?

25 A. I think I did one or two in

1 J. Nofi

2 writing but it was more, he was our acting
3 supervisor so I told him right to his face.

4 Q. Did you ever put a complaint in
5 writing to Mr. Paradiso about what you just
6 testified to?

7 A. I might have, yes, I think I did,
8 yes.

9 Q. You are pointing to something on
10 my desk.

11 A. I see the correspondence, the
12 42s.

13 Q. Okay, so based upon what you
14 think you are looking at on my pile of
15 documents, that refreshes your recollection?

16 A. It looks like 42s. Sometimes you
17 can write 42s for explanations.

18 Q. What are 42s?

19 A. If you want to take a day off or
20 you can't make the work or you want to
21 change your shift or you want to report
22 something that you don't think is right.
23 You really didn't do 42s because you did
24 want people to know what you were talking
25 about, to the other people. You know, you

1 J. Nofi

2 didn't want retaliation.

3 MO MR. NOVIKOFF: Okay, motion to
4 strike as not responsive.

5 MR. GOODSTADT: Just so the
6 record is clear --

7 MR. NOVIKOFF: I know you are
8 objecting to all of it, I understand.

9 Q. When you testified that you got
10 no where with Hesse, right?

11 MR. GOODSTADT: Objection, but
12 the record will reflect what he
13 testified to.

14 Q. Isn't it true that you testified
15 that you got no where with your complaints
16 to Mr. Hesse?

17 A. I don't think I said that.

18 Q. No?

19 A. I don't think I said it that way.

20 MR. NOVIKOFF: Can we go back to
21 Mr. Nofi's answer about three or four
22 minutes ago. It was part of a very
23 long winded answer.

24 (The requested portion was read.)

25 Q. You testified, according to the

1 J. Nofi

2 court reporter's read back, that your
3 complaints to Hesse went nowhere?

4 A. Right.

5 Q. So you agree with me, you said
6 that?

7 A. Okay, go ahead.

8 Q. Did you complain to Mayor Rogers?

9 A. No.

10 Q. Did you complain to Trustee
11 Loeffler?

12 A. I think the other guys did all
13 the complaining.

14 Q. I don't care what the other guys
15 did.

16 A. I answered you.

17 Q. The question to you is did you
18 complain?

19 A. No, because the other guys did.

20 Q. Excuse me, did you complain to
21 Trustee Loeffler?

22 A. Loeffler wasn't in power till the
23 very end.

24 Q. Did you complain to Trustee
25 Loeffler?

1 J. Nofi

2 A. I think I might have, yes.

3 Q. You think so?

4 A. It's possible I did one time in
5 the street, yes.

6 Q. When do you think you did this?

7 A. I think there was another officer
8 by me when I did complain. In fact I think
9 Officer Gerden, Dave Gerden, might have been
10 there.

11 Q. And what did you complain to
12 Mr. Loeffler about?

13 A. Things that were going on, people
14 in bars. I don't remember if I told him, I
15 can't remember, but I know I had
16 conversations with him. I don't know what
17 it could have been about.

18 Q. When did this complaint take
19 place?

20 A. I don't know, in the street when
21 I ran into him.

22 Q. What year?

23 A. When he got in power, just before
24 he got in power.

25 Q. When you say he got in power what

1 J. Nofi

2 do you mean?

3 A. As the mayor.

4 Q. He wasn't mayor until after April
5 2nd.

6 A. So it must have been --

7 MR. GOODSTADT: That is what he
8 testified to.

9 Q. So your testimony is now you
10 complained on at least one occasion to
11 Trustee Loeffler?

12 A. I would say, yes.

13 Q. And what was the complaint about?

14 A. Most likely probably just about
15 guys drinking.

16 Q. Most likely probably?

17 A. Probably drinking.

18 Q. Do you have any recollection
19 other than your speculation as to what you
20 complained to Mayor Loeffler about?

21 MR. GOODSTADT: Objection.

22 Q. I mean Trustee Loeffler about?

23 MR. GOODSTADT: Objection.

24 A. No.

25 Q. You don't recall what year this

1 J. Nofi

2 was, do you?

3 A. It had to be before he was mayor
4 because Dave Gerden was a police officer and
5 they were talking, because he used to work
6 with him, something like that. I'm not
7 sure.

8 Q. You're not sure?

9 A. I think Frank Fiorillo was with
10 me actually when we were complaining.

11 Q. Did you ever put a complaint in
12 writing to the board?

13 A. No.

14 MR. NOVIKOFF: Let's mark the
15 following document as Exhibit 12.

16 (One-page document dated 10-4-06
17 was marked as Defendant's Exhibit-12
18 for identification; 9-9-08, A.S.)

19 Q. Sir?

20 A. Yes.

21 Q. Do you recognize this document?

22 A. It's been a long time but, yes,
23 you know, a little bit, yeah.

24 Q. Do you recall writing this
25 document?

1 J. Nofi

2 A. Not writing, typing it.

3 Q. Where would you have typed this
4 document, sir?

5 A. Where we used to do the dispatch
6 in the computer.

7 Q. Can you explain to me how you
8 could have typed this document on October 4,
9 2006 when, according to your allegations,
10 you were told on April 2, 2006 that you were
11 no longer going to be employed by the
12 Village of Ocean Beach?

13 MR. GOODSTADT: Objection.

14 A. I think Tommy Snyder and me put
15 it together. He probably asked me about the
16 questions and I told him about it beforehand
17 and he probably typed it up.

18 Q. Tommy Snyder?

19 A. Yes. It says right there, P.O.
20 Snyder, right there up in the corner, the
21 left-hand corner.

22 Q. Tommy Snyder is a plaintiff in
23 this action, correct?

24 A. Yes. He wasn't a plaintiff at
25 that time though.

1 J. Nofi

2 Q. So Tommy Snyder's last date of
3 employment wasn't April 2nd?

4 A. He wasn't there on the day we got
5 let go. So I don't nothing about Tommy
6 Snyder that day or the day after. I found
7 out nothing about that, no. I only knew
8 about the guys that were there that day,
9 which was Carter, Lamm, Frank Fiorillo and
10 myself, whatever it was, April 2, 2006.

11 Q. So it's your testimony that
12 sometime before your last day of employment
13 at Ocean Beach you told Snyder about the
14 subject matter of this memo and then at some
15 time thereafter Mr. Snyder wrote this memo?

16 MR. GOODSTADT: Objection.

17 A. Yes. I'm not sure but it could
18 be a typo on the date, he could have put the
19 wrong date, I don't know, it's possible.

20 Q. Do you recall why you were
21 complaining about this?

22 A. Yes.

23 Q. Why?

24 A. Well, they are called dock
25 masters. They used to have them, I think

1 J. Nofi

2 they got rid of them for a while because
3 they were getting in trouble. They had
4 police uniforms on and everything, badges
5 that looked like police officers and
6 actually some of them acted like police
7 officers, but I did complain about that too,
8 by the way, numerous times to George Hesse,
9 more than once, probably 20 times. What
10 happened was one of the guys who was written
11 in here, we had what's called a barracks
12 where people used to go up and get changed,
13 and we had shotguns in there and I didn't
14 even know we had shotguns, George Hesse told
15 me they were there and showed me the
16 shotguns, and this guy left the door open,
17 so I wrote a memo on it.

18 Q. So you felt it was your
19 obligation to write a memo?

20 A. Yes, I did.

21 MR. GOODSTADT: I just want to
22 mark the record that you're leaning
23 back and looking up at the ceiling is
24 inappropriate during a deposition.

25 MR. NOVIKOFF: One, I don't

1 J. Nofi

2 think that's what I was doing. I was
3 leaning back and thinking about what my
4 next question would be. If you think
5 it's inappropriate that I lean back at
6 a deposition, then that's fine. I mean
7 that's up to you, okay. There's a
8 first for everything.

9 MR. GOODSTADT: What was that
10 last question?

11 MR. NOVIKOFF: There is a first
12 for everything I said.

13 MO MR. GOODSTADT: Move to strike
14 that statement as irrelevant, harassing
15 both to the witness and to myself.

16 Q. Sir, this was the only document
17 that we found indicating a complaint that
18 you made.

19 To your knowledge did you make
20 any other written complaints concerning
21 anything that you just testified to?

22 A. I could have made a million of
23 them.

24 Q. Is it your testimony that the
25 village perhaps destroyed documents from

1 J. Nofi

2 you?

3 A. Absolutely.

4 Q. What is your evidence that they
5 did?

6 A. We are suing them.

7 Q. So the fact that you are suing
8 them is your evidence that the village
9 destroyed documents?

10 A. Not the village.

11 Q. Who?

12 A. Who's in command, George.

13 Q. So it's George destroyed
14 documents?

15 A. Well, if I was being sued, and
16 someone was coming after me, I would be
17 scared too.

18 Q. Is it your testimony that if
19 someone was suing you, you would destroy
20 documents?

21 A. No.

22 MR. GOODSTADT: Objection.

23 A. No.

24 MR. NOVIKOFF: Let's take a
25 break, one minute left on the tape.

1 J. Nofi

2 THE VIDEOGRAPHER: This ends
3 tape number three. The time is 2:40
4 p.m., we are going off the record.

5 (A discussion was held off the
6 record.)

7 THE VIDEOGRAPHER: This begins
8 tape number four. The time is 2:54
9 p.m., back on the record.

10 Q. Sir, let's go back to 117. We've
11 talked about who you believe you reported
12 certain things to. There's also, as part of
13 that allegation, it says that the plaintiffs
14 made these reports to the Suffolk County
15 civil service department. Do you see that?

16 A. Yes.

17 Q. Did you ever complain to the
18 Suffolk County civil service department
19 concerning any of the examples of endemic
20 corruption or abuse of power that you just
21 testified to?

22 A. I brought up when I was there,
23 also, which I forgot to tell you before,
24 about how many police officers were
25 uncertified police officers. I forgot to

1 J. Nofi

2 bring that up to you, which is very
3 important, a lot of them were uncertified.

4 MO MR. NOVIKOFF: Motion to strike.

5 Q. My question to you, sir, is did
6 you make any, did you personally make any
7 complaints about any of the examples you
8 have testified to to the Suffolk County
9 civil service department?

10 A. I think just about the
11 uncertified police officers.

12 Q. When did you make the complaint
13 to the Suffolk County civil service
14 department --

15 A. I guess that day.

16 Q. Let me finish the question.
17 When did you make the complaint
18 to the Suffolk County civil service
19 department about uncertified police
20 officers?

21 A. I don't know the date.

22 Q. Before or after your last day of
23 employment?

24 A. Could have been after, could have
25 been before. I'm not sure, probably was

1 J. Nofi

2 after.

3 Q. Why do you say it was probably
4 after?

5 A. I guess because that day we went
6 to go see the civil service.

7 Q. Did you ever go see the civil
8 service before your last day of employment
9 concerning any complaints?

10 A. I'm not sure but I think the
11 other guys did.

12 Q. All I care about is you, sir.

13 A. I don't think I did, no, I don't
14 remember.

15 Q. Did you ever submit a writing to
16 the civil service department concerning any
17 of your complaints of endemic corruption and
18 abuse of power prior to your last day of
19 employment?

20 A. No, because I went through the
21 chain of command, which was my supervisor,
22 where it's supposed to go from there and it
23 never went anywhere.

24 MO MR. NOVIKOFF: Motion to strike.

25 Q. Did you ever make a writing, send

1 J. Nofi

2 a writing, to the civil service department
3 prior to your last day of employment
4 concerning any of the complaints of endemic
5 corruption and abuse of power that you
6 testified to?

7 A. I don't think I did by letter,
8 no. I'm not sure, I don't think I did.

9 Q. Let's look at paragraph 125.
10 Paragraph 125 alleges the following: At all
11 times relevant hereto plaintiffs had a
12 valuable property interest in their
13 employment with the OBPD, their reputation
14 and their status. By engaging in the scheme
15 as set forth above, including, without
16 limitation, failing to provide plaintiffs
17 with a predetermination hearing, refusing to
18 provide a name clearing hearing for
19 plaintiffs, and willfully deceiving
20 plaintiffs by leading them to believe they
21 were not entitled to such hearings or to any
22 other form of legal process. Defendants
23 Hesse, Loeffler, OBPD, Suffolk County,
24 Suffolk County civil service and Sanchez
25 impermissibly deprived plaintiffs of their

1 J. Nofi

2 property without due process of law. Then
3 it goes on to cite the provisions of the
4 constitution that have been violated. Do
5 you see that?

6 A. Yes.

7 Q. How did Mr. Loeffler willfully
8 deceive you with regard to any hearings or
9 any form of legal process that you were
10 entitled to?

11 MR. GOODSTADT: Objection.

12 Q. If he did at all.

13 MR. GOODSTADT: Same objection.

14 MR. NOVIKOFF: I will rephrase
15 the question.

16 Q. Did Mr. Loeffler willfully
17 deceive you concerning the allegation as to
18 whether you were entitled to such hearings
19 or any other form of legal process, as you
20 allege in paragraph 125?

21 MR. GOODSTADT: Objection.

22 A. I believe he did, yes.

23 Q. How did he do that?

24 A. By not looking into the
25 complaints and, you know, knowing what was

1 J. Nofi

2 going on, stuff like that.

3 Q. Sir, paragraph 125 specifically
4 refers to what you were entitled to after
5 you were told you were not going to be
6 employed by Ocean Beach, do you agree with
7 me?

8 MR. GOODSTADT: Objection.

9 Q. No, I'll tell you what, since
10 this is your complaint, sir, and you read it
11 for accuracy, and it was accurate prior to
12 its filing, why don't you tell me what 125
13 refers to, then I will ask you the question.

14 MR. GOODSTADT: Objection.

15 Q. Go ahead.

16 MR. GOODSTADT: Objection.

17 Q. That's fine, what did you mean by
18 125?

19 A. They are talking about our
20 reputation, correct?

21 Q. Sir, I'm asking you.

22 A. I'm answering you, just asking
23 you.

24 Q. What do you mean by paragraph
25 125?

1 J. Nofi

2 MR. GOODSTADT: Objection. He
3 didn't draft it, you know, it has a lot
4 of legal terms in it, he's not a
5 lawyer.

6 MR. NOVIKOFF: Counselor, he's
7 answering these questions and that's
8 why I have to go down this way.

9 MR. GOODSTADT: That's just my
10 objection to it.

11 MR. NOVIKOFF: I understand.

12 A. Well, from what I'm getting out
13 of it is that, we were told we didn't have
14 any rights and we did have rights through
15 civil service, according to the document,
16 and also that Loeffler, since he became
17 chief, should have investigated it and sat
18 down and had a meeting, I would believe. If
19 I was the new mayor and coming to a new
20 place, I would want to know what was going
21 on.

22 Q. So when you say Loeffler became
23 chief, you mean mayor?

24 A. Not chief, mayor.

25 Q. When you were talking about you

1 J. Nofi

2 had no rights, that's what Miss Sanchez told
3 you during that meeting and the two others
4 had with her shortly after April 2nd?

5 A. Yes.

6 Q. Now we are all on the same page.

7 How do you know, as you sit here
8 today, that Loeffler knew what you allege
9 that Sanchez said to you during that
10 meeting?

11 A. Because he said to me and Frank
12 Fiorillo that the first thing he's going to
13 do when he becomes mayor of the village,
14 he's going to fire the Pisetti brothers
15 because of the things that they do, that was
16 his first thing in order. I forget how he
17 put it, my first priority is to get rid of
18 them, fire them the minute I become the
19 mayor.

20 Q. I don't think you were responsive
21 is my question but that's fine.

22 When did Loeffler tell you --

23 A. I don't know.

24 Q. Excuse me, when did Mayor
25 Loeffler tell you his first order of

1 J. Nofi

2 business when he became mayor was to fire
3 the Pisettis?

4 A. I don't know.

5 Q. Was it before or after your last
6 day of employment?

7 A. Before.

8 Q. Now, my question, I need to
9 repeat because you didn't answer, sir, how
10 do you know, as you sit here today, that
11 Loeffler knew what you allege Sanchez told
12 you about you not having any rights?

13 A. Because she had a conversation
14 with George and I'm sure George had a
15 conversation with him.

16 Q. Oh, you're sure that George had a
17 conversation with him?

18 A. I was told, we went back that
19 before, but Carter said that that's what he
20 said.

21 Q. Did Carter tell you that Hesse
22 had a conversation with Loeffler?

23 A. No, just said he had a
24 conversation with Sanchez.

25 Q. My question, sir, is --

1 J. Nofi

2 A. And I told you.

3 Q. -- how do you know that Loeffler
4 had any idea as to what Sanchez told you and
5 the two other officers during that meeting?

6 A. Well, if you told me something
7 and I told him, you would know, same way.

8 Q. You want to stand by your answer?

9 A. I would say so.

10 Q. That's fine, that works for me.

11 Let's go to page 33, paragraph
12 138. It is alleged that defendants Hesse,
13 OBPD and the Ocean Beach's stigmatizing
14 conduct has marred plaintiffs reputation.
15 Do you see that?

16 A. Uh-huh.

17 Q. What stigmatizing conduct is
18 being referred to as it relates to you?

19 A. Well, the name calling that he's
20 done over the years.

21 Q. Who?

22 A. George Hesse.

23 Q. When you say over the years, what
24 do you mean?

25 A. Well, it all started stemming

1 J. Nofi

2 when they started hiring. It all started
3 when they started the uncertified officers.
4 That's where it all started from. That's
5 where it started from once they came in,
6 they were uncertified. They were all
7 buddies with them, I would imagine,
8 whatever, and since they started working
9 there, we started complaining that they were
10 uncertified. That's when the abuse started,
11 shut the fuck up, you're an asshole, you're
12 retarded, you don't know what you're talking
13 about, you're just a retard, just like I
14 said on the blog, I'm a retard, you are a
15 fucking asshole, all that kind of stuff.

16 Q. What about you?

17 A. That's what he said to me.
18 That's what I'm saying. It's on the blog.
19 It's on the blog that he said it. My wife
20 and son printed it out. I'm not very good
21 on the computer but they printed it out, it
22 was all over the blog.

23 Q. So I'm just trying to figure
24 out --

25 A. And everyone knew about it on the

1 J. Nofi

2 job because people look at the blogs,
3 everybody is on computers.

4 MO MR. NOVIKOFF: Move to strike.

5 Q. The question I have for you, sir,
6 is on April 2, 2006 what stigmatizing
7 conduct, if anything, did Mr. Hesse
8 perpetrate concerning you?

9 MR. GOODSTADT: Objection.

10 A. Say that again?

11 Q. On April 2, 2006 what
12 stigmatizing conduct did Mr. Hesse undertake
13 as it concerns you specifically on that
14 date?

15 A. On that date?

16 Q. Yes, on that date.

17 A. Just, you know, the day we went
18 to the civil service department?

19 Q. No, April 2nd, sir.

20 A. The day -- oh, okay, I'm sorry,
21 okay, got you. When we went there, I got a
22 letter stating --

23 Q. No, no, April 2nd was the day
24 that you allege --

25 A. That's what I'm telling you.

1 J. Nofi

2 Q. I don't need a recitation of what
3 happened.

4 You allege in the complaint on
5 April 2nd you were advised that you were no
6 longer working at Ocean Beach, correct?

7 A. Yes.

8 Q. On April 2nd, without telling me
9 the entire story, what stigmatizing conduct
10 concerning you personally did Mr. Hesse
11 engage in?

12 MR. GOODSTADT: Objection.

13 THE WITNESS: Does he mean bad
14 things he said about me?

15 MR. GOODSTADT: Ask him, if you
16 don't understand what he means.

17 Q. Well, you wrote stigmatizing
18 conduct, sir, what did you mean by
19 stigmatizing conduct?

20 MR. GOODSTADT: Objection.

21 A. That day, April 2nd, I was at the
22 ferry terminal going across to the ferry and
23 one of the guys said that George Hesse was
24 at a thing in the city for St. Patrick's Day
25 drunk out of his mind, saying he's going to

1 J. Nofi

2 get rid of the assholes. That's what he
3 told me.

4 So then when I got there, I didn't
5 even know what was going on. We got a
6 letter stating that we were getting new
7 uniforms, new ID and new shields. So I went
8 there thinking oh, wow, this is great. So
9 when I got there, I didn't even know what
10 was going on. It's line up and when I went
11 in there he sat me down and said, you know,
12 I'm letting you go for budget cuts but I
13 want you to know you're a good father, good
14 husband and a good police officer and I'm
15 not putting you in the category of the other
16 three assholes that I'm getting rid of. So
17 I said why are you getting rid of me for and
18 he said because of budget cuts. I said can
19 you at least keep me one day a week, I need
20 the money, he said, no, I can't.

21 So he didn't really say nothing
22 bad that day but as I was leaving the
23 humiliation was so bad in front of everybody,
24 it was horrible because they already knew
25 what was happening.

1 J. Nofi

2 Q. So now I understand that

3 Mr. Hesse didn't say anything bad about you
4 that day?

5 A. Not that he did, but it was the
6 humiliation of being there in front of
7 everyone and being told you weren't going to
8 be employed any more.

9 MR. GOODSTADT: Objection.

10 A. It's the way he did it.

11 Q. What?

12 A. The way he did it. He already
13 knew the fact what was going on, he had it
14 set up. The reason why it was set up, there
15 was a water taxi waiting for us, which he
16 called for, so it was set up because this
17 was a lie. We had a letter stating we were
18 getting raises and money and uniforms and
19 all that stuff and it was totally opposite
20 of what it was when we went there that day.
21 So he totally lied and humiliated us,
22 especially me after what he said.

23 Q. After what he said what?

24 A. About all of that stuff, and when
25 I went out, they were just like laughing at

1 J. Nofi

2 me, all the people on line, because they
3 knew what was going to happen before. They
4 knew ahead of time, like they conspired
5 before I got there. They knew all the stuff
6 was taking place before.

7 Q. Who conspired?

8 A. George knew that he was going to
9 fire us before I even got there. On the
10 letter it said differently.

11 Q. Okay, I got that. Yo got a
12 letter before April 2nd saying come over,
13 you are going to get new shields and
14 whatever, correct?

15 A. Right.

16 Q. You came over by ferry on April
17 2nd and George Hesse said, and tell me if
18 I'm mischaracterizing it, I'm letting you go
19 for budget cuts, I'm not putting you in the
20 same category as the other three assholes?

21 A. Yes.

22 Q. He also said during that you were
23 being a good father, a good husband and a
24 good police officer, right?

25 A. Yes.

1 J. Nofi

2 Q. And he didn't say anything bad to
3 you during that conversation?

4 A. Not in that moment.

5 Q. Just follow me, during that
6 conversation he 'didn't say anything bad to
7 you?

8 A. No.

9 Q. Was there anyone present during
10 that conversation when Hesse told you that
11 you were a good father, good husband and you
12 were a good police officer?

13 A. It's possible one other person
14 could have been there but I can't tell.

15 Q. And then subsequent, after Hesse
16 made these comments about you being a good
17 father and whatnot, there was a water taxi
18 waiting for you?

19 A. I didn't even know there was
20 a water taxi.

21 Q. But there was a water taxi
22 waiting for you?

23 A. Yes.

24 Q. You walked outside?

25 A. Yes.

1 J. Nofi

2 Q. And you went to the water taxi?

3 A. I ran to the water taxi. He was
4 going to take off. I ran, I didn't even
5 know there was a water taxi to take me away.

6 Q. Were you the only person who went
7 in the water taxi?

8 A. No, Carter and Kevin and Frank
9 were on the water taxi.

10 Q. Did Hesse tell you to go on the
11 water taxi?

12 A. No.

13 Q. Did Hesse tell you there was a
14 water taxi waiting for you?

15 A. No. I didn't even know how I was
16 going to get home. I seen a water taxi with
17 those guys by it and I ran up to them going
18 I didn't even know they were fired, because
19 I didn't know what was going on. He told me
20 that but I still didn't realize that they
21 were really fired and I got in the water
22 taxi and they said they were all fired too.
23 So what he said to me didn't mean really
24 much because I didn't believe him. When I
25 went out there because he was actually, I

1 J. Nofi

2 thought he was Carter's friend for years.

3 Q. So how do you know Hesse arranged
4 for the water taxi?

5 A. Because he sent one of the police
6 officers to get the water taxi to come over
7 or told him to call.

8 Q. Who told you that?

9 A. I think Frank told me that.

10 Q. As you don't know, it's based on
11 what Frank may have told you, right?

12 MR. GOODSTADT: Objection.

13 Q. Is that yes?

14 A. Yes.

15 Q. And who is laughing at you
16 between the time you left where Hesse had
17 this conversation with you and the time you
18 gone onto the water taxi?

19 A. His cronies.

20 Q. Who was his cronies?

21 A. Walter Moller, Pisettis, just the
22 people that he associated with, the ones
23 that were all the uncertified officers were.
24 That's who it was.

25 Q. They were all uncertified as of

1 J. Nofi

2 April 2, 2006?

3 A. That I don't know, but they were
4 for a long time.

5 Q. Well, who was laughing at you,
6 without characterizing who they were, give
7 me the names.

8 A. Well, the one guy said to me --

9 Q. I don't want to know who said,
10 who was laughing at you?

11 A. Didn't laugh, he said a remark to
12 me.

13 Q. Who said a remark to you?

14 A. Before we even got over there.

15 Q. Before you got over there?

16 A. Yeah, we have to take a ferry
17 from Bay Shore.

18 Q. Okay.

19 A. Before we were on the ferry, I
20 was sitting on the dock waiting for the
21 ferry.

22 Q. Sir, I'm only interested in who
23 was laughing at you.

24 A. I'm telling you, I can't think of
25 his name.

1 J. Nofi

2 Q. After Hesse told you that you
3 weren't going to be working after --

4 A. Afterwards.

5 Q. Between that time and the time
6 you got on the water ferry --

7 MR. GOODSTADT: Objection.

8 Q. -- name the people who were
9 laughing at you.

10 MR. GOODSTADT: Objection.

11 A. It wasn't laughing, it was
12 mocking.

13 Q. Fine, mocking, who was mocking?

14 A. I just told you.

15 Q. Give me the names.

16 A. I would say Walter Moller,
17 Pisetti, that guy I can't think of his name,
18 the one that was in the Newsday. I never
19 met him, only met him once. The guy that
20 supposedly got in trouble with the Gilbert
21 thing, I can't think of his name.

22 Q. But you know Moller, you know the
23 Pisettis, anybody else?

24 A. Yeah, I can't think of the guy's
25 name, I only met him once.

1 J. Nofi

2 Q. How did Moller mock you, what did
3 he do that you believed that he was mocking
4 you?

5 A. You know, a little snide remark
6 like bye.

7 Q. He said bye?

8 A. Not just said bye looking at you,
9 you know, when someone's looking at you
10 saying bye. You can tell if I'm looking at
11 you, nasty, you know.

12 Q. How about the Pisettis, what did
13 they say?

14 A. They never said nothing. They
15 just looked at me. They were actually
16 mocking more Kevin Lamm more than me.

17 Q. Like I said, no disrespect to the
18 other four plaintiffs but I don't care about
19 them today, I care about you.

20 So, the Pisettis didn't say
21 anything to you?

22 A. Just looks, like good-bye.

23 Q. Their look?

24 A. Yes.

25 Q. And this guy Moller just said

1 J. Nofi

2 bye-bye in a way that you believe he was
3 mocking you?

4 A. Absolutely.

5 Q. Okay, I got you.

6 A. Embry, that's his name.

7 Q. Well, what did Embry do?

8 A. Before I got over there. Nothing
9 afterwards, it was before.

10 Q. On April 2, 2000 -- well, let's
11 go to the remaining part of 138.

12 Let's look at page 34. You say,
13 not you, it's alleged that by stigmatizing
14 plaintiffs as dishonest men, rats and rouge
15 law enforcement officers, do you see that?

16 A. What page?

17 Q. 34, paragraph 138, starting at
18 the top.

19 A. Oh, okay.

20 Q. Do you see that?

21 A. Yes.

22 Q. Who, if anyone, called you a
23 dishonest man?

24 A. On the blog.

25 Q. This is on the blog?

1 J. Nofi

2 A. Yes.

3 Q. Okay, and what was said on the
4 blog that you believe said that you were a
5 dishonest man?

6 A. They called us rats.

7 Q. No, dishonest man.

8 A. That's what I'm saying, they
9 called us all different kinds of stuff.
10 Saying that we were liars, we didn't know
11 what we were talking about.

12 Q. So someone on the blog made
13 certain comments that you believe showed you
14 to be a dishonest man?

15 A. Yes.

16 Q. Did someone, when you make
17 reference to, it's made reference in this
18 paragraph to rats, do you see that?

19 A. Yes.

20 Q. Who, if anyone, on April 2, 2006
21 called you a rat?

22 A. Before or after?

23 Q. No, on April 2, 2006.

24 A. Oh, April.

25 Q. 2nd.

1 J. Nofi

2 A. 2nd, I mean, we just went over
3 there and got told we were going and we left
4 but this is, I'm talking about the blog now.

5 Q. So everything, at least according
6 to your knowledge, in 138 that I just read
7 refers to what's on the blog?

8 A. Oh, okay, I know what you're
9 saying. You want to know if any of this
10 stuff was stated that day.

11 Q. Right.

12 A. Okay, I'm with you.

13 Q. Did Hesse call you a dishonest
14 man on April 2, 2006?

15 A. I wasn't there. After we left
16 they were still all over there, those
17 people. You know, the ones that were all
18 there, George and all them and this is just
19 from hearsay, people telling me that when we
20 left they were saying that kind of stuff at
21 the meeting, when we left.

22 Q. Who's they?

23 A. Whoever was at that meeting.

24 Q. So it was in addition to Hesse,
25 there were other people?

1 J. Nofi

2 A. Yes, whoever was there. I don't
3 know who but that's just from hearsay, I'm
4 telling you, that a lot of bad things were
5 said about us during that.

6 Q. So to the extent any of what I
7 just read at 138, dishonest men, rats, rogue
8 law enforcement officers, was said on April
9 2nd, it was based upon what you were told by
10 someone else took place after you left the
11 island?

12 A. Yes, and also on the blog, a lot
13 of that stuff was said too.

14 Q. We have what was said when you
15 left on April 2nd and on the blog after
16 April 2nd?

17 A. Uh-huh.

18 Q. Okay, let's look at page 36,
19 paragraph 148. The defendants Hesse,
20 Loeffler, OBPD, Ocean Beach, Sanchez and
21 Suffolk County civil service subjected
22 plaintiffs to arbitrary and irrational
23 discrimination by selectively terminating
24 plaintiffs employment with a malicious or
25 bad faith, endemic intent to injure

1 J. Nofi

2 plaintiffs. Do you see where I read from?

3 A. Uh-huh.

4 Q. Who do you believe was similarly
5 situated to you that should have been fired
6 but wasn't?

7 MR. GOODSTADT: Objection.

8 A. Well --

9 Q. According to your allegation?

10 A. I would say quite a few because I
11 did my job there, where other people didn't
12 do their job, besides the ones that weren't
13 certified, and I went through the police
14 academy for six months and two weeks, I got
15 certified.

16 Q. Give me some names.

17 A. Oh, names?

18 Q. Yes, as of April 2, 2006.

19 A. Oh, afterwards?

20 Q. No, on April 2, 2006 you allege
21 that you were terminated, correct?

22 A. Yes, I'm sorry.

23 Q. So, on April 2, 2006 who was
24 still an employee of the Ocean Beach Police
25 Department that you believe should have been

1 J. Nofi

2 fired along with you?

3 MR. GOODSTADT: Objection, along
4 with him or instead of him?

5 Q. Instead of you, I'm sorry.

6 A. The uncertified officers.

7 Q. Okay.

8 A. Walter Moller.

9 Q. Okay.

10 A. For a lot of acts that he did.

11 Hardman, which was an uncertified
12 officer, and I'm not sure of the other guys
13 that were uncertified. Oh, umm, Ty Bacon
14 because I was told, hearsay, but you can
15 probably look that up, that he failed the
16 polygraph in Suffolk County. I don't know
17 how he was hired by Ocean Beach, because
18 once you fail the polygraph in Suffolk
19 County you cannot be hired ever again in the
20 county, and he did fail the Riverhead PD
21 polygraph. So George still took him on, I
22 don't know how that works but.

23 Q. Are you done?

24 A. I guess so.

25 MO MR. NOVIKOFF: Move to strike

1 J. Nofi

2 that aspect after Ty Bacon's name was
3 identified.

4 Q. So we have uncertified officers,
5 Moller, who is also uncertified?

6 A. No, he's certified. I went
7 through the academy with him.

8 Q. Okay, so we have Moller, the
9 uncertified officers, Hardman and Bacon,
10 right?

11 A. Oh, the guy Joe, I don't know his
12 last name. The other guy Joe that he hired
13 like just recently, before we got let go, I
14 don't know his last name though.

15 Q. This guy Joe, why should he have
16 been fired instead of you on April 2, 2006?

17 A. He wasn't doing things that he
18 should have been doing.

19 Q. Like what?

20 A. Hanging out, partying, going out,
21 doing things, you know, while working and
22 not working. You know, he told us, when I
23 first met him he still wasn't a police
24 officer, he was saying that, you know, I
25 don't know what's going on, what's taking so

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2 long. I should be hired as a police officer
3 and, you know, he was just doing not the
4 right thing that he should have been doing,
5 conducting business the way it should have
6 been done as a police officer.

7 Q. In your opinion?

8 A. In upholding the law, in
9 everybody's opinion.

10 Q. No, in your opinion though, I'm
11 not interested in anyone else's.

12 A. Yes, in my opinion, yes.

13 Q. And you are a police officer
14 since when?

15 A. 1999, got out of the academy '99,
16 2000.

17 Q. And, Hardman, what did he do that
18 you believe he should have been fired for on
19 April 2nd as opposed to you?

20 A. One time I called a 10-1, which
21 is an immediate response, that a police
22 officer could be killed or beat up or
23 whatever. You're in the worst situation
24 there is, which is a 10-13 in New York City
25 totally different code, and he didn't

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2 respond, not only because he was out of the
3 town, where he was working another part of
4 town or village, I should say, he didn't
5 respond because he didn't know the codes,
6 because he was uncertified. He didn't know
7 the Suffolk County codes, which are totally
8 different from New York City, a 10-13, an
9 officer needs help, to a 10-1 versus us
10 here, he didn't respond. I was in a
11 confrontation with like three guys that were
12 ready to jump me and beat me up, and I
13 reported this to George Hesse and told him
14 that, I think it was the following day that
15 I reported to him, and he just laughed at me
16 with Hardman and brushed it off like it was
17 a joke and I could have been killed.

18 Q. And when did this incident take
19 place.

20 A. It was at the ferry terminal.

21 Q. No, when did this incident take
22 place date, month, year?

23 A. I would have to say, I don't know
24 when Hardman got hired, probably the first
25 year he got hired, which I don't know what

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2 year that would be. He got hired, like the
3 first year when he was hired.

4 Q. Before or after the Halloween
5 incident?

6 A. Oh, it was before the Halloween
7 incident, yes, and I did report that to
8 George and he mocked me right in front of
9 him.

10 Q. Other than this incident, this
11 one incident that you just testified to, is
12 there any other reason why you believe
13 Hardman should have been fired on April 2nd?

14 A. Well, put it this way, if your
15 life was in danger and you could get killed,
16 you think you'd be kind of pissed off at
17 somebody for not responding.

18 MO MR. NOVIKOFF: Sir, motion to
19 strike.

20 A. I'm answering.

21 Q. Other than the example you just
22 gave about Hardman not responding to some
23 call that you made when you were almost
24 beaten up, was there another reason why you
25 believed on April 2, 2006 that Hardman

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2 should have been fired?

3 A. He was uncertified.

4 Q. Okay, other than that?

5 A. Yes, he never did his job.

6 Q. What do you mean he never did his
7 job?

8 A. Well, he was supposed to be in
9 the Incorporated Village of Ocean Beach, but
10 he was always on the outer banks of Ocean
11 Beach, and he wouldn't show up, and you
12 would call him on the radio with the
13 Pisettis, and not once but 50 times to
14 report and they wouldn't report. Then all
15 of sudden even George was getting mad and
16 screaming and yelling. Then they would come
17 and they would laugh about it when they
18 finally got there because would wait,
19 wasting out time and getting paid for it to
20 drive them off the beach. Meanwhile they
21 were off duty since 12 o'clock midnight but
22 they were partying from 12 o'clock midnight
23 to 8 o'clock in the morning the following
24 day and we couldn't find them and I always
25 had to wait for them off the beach but

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2 meanwhile they were MIA because nobody knew
3 where the hell they were because they were
4 so trashed or they weren't even in the
5 village, they were in the other part, like
6 Ocean Bay Park or wherever they were.

7 Q. I asked you about Hardman, you
8 are saying "they," who's they?

9 A. The uncertified officers,
10 Pisettis, Hardman.

11 Q. So all the uncertified officers
12 got trashed and you had to drive them off
13 the island, is that your testimony.

14 A. Oh, absolutely, yes.

15 Q. Okay.

16 A. Numerous times. In fact I was
17 ordered to drive Walter Moller off with his
18 girlfriend, with his dog, which I couldn't
19 believe. The dog was filthy gross dirty.
20 They were both trashed. I drove them to the
21 check point and then he called me up again
22 and ordered me to drive them back, I don't
23 know why, and then drive them back again.
24 Meanwhile the village was being unmanned,
25 people could have been raped, robbed, who